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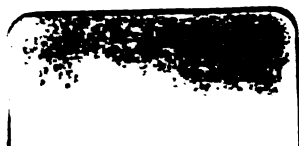
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# CONFERENCE ON THE LIMITATION OF ARMAMENT

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PRESIDENT'S ADDRESS TO THE SENATE

LETTER OF THE SECRETARY OF STATE SUB-  
MITTING TREATIES TO THE PRESIDENT

INVITATIONS TO THE CONFERENCE

PROCEEDINGS OF PLENARY SESSIONS OF CON-  
FERENCE

MINUTES OF COMMITTEE ON LIMITATION OF  
ARMAMENT

MINUTES OF COMMITTEE ON PACIFIC AND FAR  
EASTERN QUESTIONS

REPORT OF AMERICAN DELEGATION, INCLUD-  
ING TREATIES AND RESOLUTIONS



FEBRUARY 3 (calendar day, FEBRUARY 10), 1922.—Read; referred to the Committee  
on Foreign Relations and ordered to be printed and made public



*Lithgow Belzine*

*Washington, Feb. 16, 1922.*

67TH CONGRESS }  
2d Session }

SENATE

{ DOCUMENT  
No. 128 }

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## CONTENTS.

	Page.
President's address to the Senate.....	7
Letter of Secretary of State submitting Treaties to the President.....	15
President's invitation to Powers to attend the Conference.....	17
Proceedings of Plenary Sessions:	
First session, Nov. 12, 1921.....	21
Proposal of the United States.....	56
Second session, Nov. 15, 1921.....	64
Third session, Nov. 21, 1921.....	76
Fourth session, Dec. 10, 1921.....	95
Fifth session, Feb. 1, 1922.....	115
Sixth session, Feb. 4, 1922.....	166
Seventh session, Feb. 6, 1922.....	231
Committee on Limitation of Armament:	
First meeting, Nov. 15, 1921.....	237
Second meeting, Nov. 23, 1921.....	239
Third meeting, Dec. 12, 1921.....	249
Fourth meeting, Dec. 22, 1921, 11 a. m.....	250
Fifth meeting, Dec. 22, 1921, 3 p. m.....	264
Sixth meeting, Dec. 23, 1921.....	277
Seventh meeting, Dec. 24, 1921, 11 a. m.....	291
Eighth meeting, Dec. 24, 1921, 3 p. m.....	303
Ninth meeting, Dec. 28, 1921, 11 a. m.....	308
Tenth meeting, Dec. 28, 1921, 3.30 p. m.....	318
Eleventh meeting, Dec. 29, 1921, 11 a. m.....	325
Twelfth meeting, Dec. 29, 1921, 3.30 p. m.....	336
Thirteenth meeting, December 30, 1921, 11 a. m.....	345
Fourteenth meeting, Dec. 30, 1921, 3 p. m.....	356
Fifteenth meeting, Jan. 5, 1922.....	363
Sixteenth meeting, Jan. 6, 1922.....	376
Seventeenth meeting, Jan. 7, 1922.....	389
Eighteenth meeting, January 9, 1922.....	410
Nineteenth meeting, Jan. 27, 1922.....	422
Twentieth meeting, Jan. 31, 1922.....	424
Twenty-first meeting, Feb. 3, 1922.....	437
Committee on Pacific and Far Eastern Questions:	
First meeting, Nov. 16, 1921.....	441
Second meeting, Nov. 19, 1921.....	445
Third meeting, Nov. 21, 1921.....	453
Fourth meeting, Nov. 22, 1921.....	460
Fifth meeting, Nov. 23, 1921.....	468
Sixth meeting, Nov. 25, 1921.....	474
Seventh meeting, Nov. 26, 1921.....	486
Eighth meeting, Nov. 28, 1921.....	494
Ninth meeting, Nov. 29, 1921.....	502
Tenth meeting, Nov. 30, 1921.....	517
Eleventh meeting, Dec. 2, 1921.....	527
Twelfth meeting, Dec. 3, 1921.....	532
Thirteenth meeting, Dec. 7, 1921.....	546
Fourteenth meeting, Dec. 8, 1921.....	559
Fifteenth meeting, Dec. 12, 1921.....	571
Sixteenth meeting, Dec. 14, 1921.....	582

	Page.
Committee on Pacific and Far Eastern Questions—Contd.	
Seventeenth meeting, Jan. 5, 1922	588
Eighteenth meeting, Jan. 16, 1922	604
Nineteenth meeting, Jan. 17, 1922	618
Twentieth meeting, Jan. 18, 1922	627
Twenty-first meeting, Jan. 19, 1922	643
Twenty-second meeting, Jan. 20, 1922	654
Twenty-third meeting, Jan. 21, 1922	665
Twenty-fourth meeting, Jan. 23, 1922	685
Twenty-fifth meeting, Jan. 24, 1922	702
Twenty-sixth meeting, Jan. 25, 1922	716
Twenty-seventh meeting, Jan. 27, 1922	730
Twenty-eighth meeting, Jan. 31, 1922	735
Twenty-ninth meeting, Feb. 1, 1922	739
Thirtieth meeting, Feb. 2, 1922	749
Thirty-first meeting, Feb. 3, 1922	760
Report of the American Delegation	783
List of delegates	783
American advisory committee	785
Organization and procedure	788
American secretariat and technical staff	785
President's address opening the conference	787
The Agenda	789
Treaties and resolutions	790
First, limitation of armaments	792
Limitation of land forces	792
United States	792
Great Britain	792
France	793
Italy	793
Japan	794
Limitation of naval armament	795
General considerations	795
The American plan	796
Capital ship ratio	798
Fortifications in the Pacific	800
The case of the Mutsu	801
France and Italy	803
Auxiliary craft	803
The naval treaty	805
Rules for control of new agencies in warfare	813
Commission to revise rules of war	817
Aircraft	818
Second, Pacific and Far Eastern questions	819
The Anglo-Japanese alliance	821
The Four-Power Treaty	822
The Shantung controversy	825
Wei-Hai-Wei	828
Principles and policies in relation to China	829
Board of reference	831
Alienation of territory	832
Extraterritoriality	832
Foreign postal agencies in China	833
Armed forces in China	834
Radio stations in China	835
Railways in China	836
Chinese customs tariff	837
Reduction of Chinese military forces	844
Existing commitments	844
The twenty-one demands	846
Japanese statement	846
Chinese statement	848
American statement	850

Second, Pacific and Far Eastern questions—Continued. Page.

Siberia.....	853
Japanese statement.....	853
American statement.....	857
French statement.....	861
Chinese Eastern Railway.....	862
Mandated Islands.....	863
General summary.....	865
President's address closing conference.....	867
Appendix.....	869
Treaties.....	871

- |   |     |
|---|-----|
| (1) A treaty between the United States of America, the British Empire, France, Italy, and Japan, limiting naval armament.....   | 871 |
| (2) A treaty between the same Powers, in relation to the use of submarines and noxious gases in warfare.....  | 886 |
| (3) A treaty between the United States of America, the British Empire, France, and Japan, signed Dec. 13, 1921, relating to their insular possessions and insular dominions in the Pacific Ocean..... | 889 |
| (4) Declaration accompanying the above Four-Power Treaty.....   | 892 |
| (5) A treaty between the same Four Powers, supplementary to the above, signed Feb. 6, 1922.....   | 892 |
| (6) A treaty between all Nine Powers relating to principles and policies to be followed in matters concerning China.....  | 893 |
| (7) A treaty between the Nine Powers relating to Chinese customs tariff.....  | 897 |

Resolutions.....	902
No. 1. Resolution for a Commission of Jurists to consider amendment of Laws of War.....	902
No. 2. Resolution limiting jurisdiction of Commission of Jurists provided in Resolution No. 1.....	902
No. 3. Resolution regarding a Board of Reference for Far Eastern Questions.....	903
No. 4. Resolution regarding Extraterritoriality in China.....	903
No. 5. Resolution regarding Foreign Postal Agencies in China.....	905
No. 6. Resolution regarding Armed Forces in China.....	905
No. 7. Resolution regarding Radio Stations in China and accompanying Declarations.....	906
No. 8. Resolution regarding unification of railways in China and accompanying Declaration by China.....	907
No. 9. Resolution regarding the reduction of Chinese Military Forces.....	908
No. 10. Resolution regarding existing commitments of China or with respect to China.....	909
No. 11. Resolution regarding the Chinese Eastern Railway, approved by all the Powers, including China.....	910
No. 12. Resolution regarding the Chinese Eastern Railway, approved by all the Powers, other than China.....	910



## PRESIDENT'S ADDRESS TO THE SENATE.

---

MR. PRESIDENT AND GENTLEMEN OF THE SENATE :

I have come to make report to you of the conclusions of what has been termed the Washington Conference on the Limitation of Armament, and to lay before you the series of treaties which the United States and the other powers participating in the conference have negotiated and signed, and have announced to the world. Apart from the very great satisfaction in reporting to the Senate, it is a privilege as well as a duty to ask that advice and consent which the Constitution requires to make these covenants effective.

Accompanying the treaties I bring to you the complete minutes of both plenary sessions and committee meetings, and a copy of the official report made to me by the American Delegation to the conference. Both the complete minutes and the official report of the American Delegation are new accompaniments to the Executive report of a treaty or treaties, but they are fitting testimonials to that open and simpler diplomacy for which the world has asked, and the practice of which contributed largely to the success of the conference so recently adjourned. I trust they will facilitate that ample and helpful understanding which is desirable in the Senate, and reflect that understanding which was the keynote of the conference itself.

The whole transaction is quite out of the ordinary. I am not thinking of the achievement, which I hope the Senate will come to appraise highly as I do, and as the world seems to do. I am not thinking of the commendable processes by which agreements were wrought, though this was a conference wholly of free nations, exercising every national right and authority, in which every agreement was stamped with unanimity. Indeed, it was a conference of friends, proceeding in deliberation and sympathy, appraising their friendly and peaceful relations and resolved to maintain them, and give to the world new assurances of peace and actual relief from the burdens of excessive and competitive armament. But the out-of-the-ordinary phases which I have in mind are that the Senate—indeed, the Congress—has already advised in favor of one—and inferentially of two—of the treaties laid before you to-day, and the naval pact negotiated and signed is in accordance with your expressed wish. It calls a halt in the competitive construction of capital ships in the great navies of the world, and affords the



first actual relief from naval burdens which peoples have been able to acclaim since steam and steel combined to add to naval strength in warfare.

But, though the treaty recommended by the Congress marks the beginning of a naval holiday and that limitation of naval armament which accords with a world aspiration, the particular justification of this progressive and highly gratifying step was the settlement of the international problems of the Pacific, attended by new understandings in place of menacing disagreements, and established sureties instead of uncertainties which easily might lead to conflict. Much as it was desirable to lift the burdens of naval armament and strike at the menace of competitive construction and consequent expenditure, the Executive branch of the Government, which must be watchful for the Nation's safety, was unwilling to covenant a reduction of armament until there could be plighted new guaranties of peace, until there could be removed the probable menaces of conflict. Therefore all the treaties submitted for your approval have such important relationship, one to another, that, though not interdependent, they are the covenants of harmony, of assurance, of conviction, of conscience, and of unanimity. These we have believed to be essential to perfect the fulfillment which the Congress has in mind.

As a simple matter of fact, all of the agreements, except those dealing directly with the limitation of armament, take the place of various multi-power treaties, arrangements or understandings, formal or informal, expressed or implied, relating to matters in the Pacific Ocean, in which all the powers signatory were essentially, if not equally, concerned. The new agreements serve to put an end to contradictions, to remove ambiguities, and establish clear understandings.

No matter what mental reservations may have existed, or what doubts may have prevailed, because here was an experiment new in many phases, all of the powers came to the conference knowing it was to deal with very practical situations affecting their international relations. There was mutual interest, quite apart from the greater achievement for world peace, and a way to common understanding was found to be practical and speedily arranged. If it has developed a new-world school of diplomacy, let it be so called. It revealed the ends aimed at in the very beginning, and pointed the way to their attainment. The powers in conference took the world of the Pacific as they found it in fact. They dealt with actualities by voluntary and unanimous agreement, and have added to mankind's assurances and hopefully advanced international peace.

It is worth while saying that the powers in this conference sought no concert to dispossess any power of its rights or property. All the signatories have given up

certain rights which they had, as their contribution to concord and peace, but at no sacrifice of national pride, with no regret or resentment to later flame in conflict. Some relinquished certain rights or prerogatives which they had asserted, notably in the settlement of the Shantung controversy, dealt with in a covenant quite apart from the group herewith submitted. But every concession was a willing one, without pressure or constraint. The conference record is quite unparalleled, not alone because there was the maximum of good feeling and neighborliness throughout the session, but common rejoicing in the results; and the separations in departure were marked by genuine cordiality, good will, and new hopes.

It is not necessary to remind you that the conference work was not directed against any power or group of powers. There were no punishments to inflict, no rewards to bestow. Mutual consideration, and the common welfare, and the desire for world peace impelled. The conclusions reached and the covenants written neither require nor contemplate compulsive measures against any power in the world, signatory or nonsignatory. The offerings are free will; the conscience is that of world-opinion; the observance is a matter of national honor.

These treaties leave no power despoiled. The delegates of every power participating adjourned with every right and every authority with which they came, except that which was willingly and gladly given up to further the common welfare. I can assure you the nine powers have been brought more closely together, they are stauncher neighbors and friends, they have clearer and better estimates of one another, they have seen suspicion challenged and selfishness made to retreat, they have keener and more sympathetic understandings, and they are more strongly willed for right and justice in international relations than ever before. I believe, with all my heart, the powers in conference have combined to make the world safer and better and more hopeful place in which to live.

It was a helpful thing to have the conference reveal how common our human aspirations are and how easy it is, when the task is properly approached, to reconcile our national aspirations. There are mutual and essential interests affecting the welfare and peace of all nations, and they can not be promoted by force. They can be revealed and magnified in that understanding which, it is now proven, the conference of peace promotes, and the same understanding makes compulsion and despoilment hateful in the eyes of mankind.

The treaties submitted, seven in number, are—

The covenant of limitation to naval armament between our republic, the British Empire, France, Italy, and Japan.

The treaty between the same powers in relation to the use of submarines and noxious gases in warfare.

The treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and their insular dominions in the Pacific.

A declaration accompanying the four-power treaty reserving American rights in mandated territory.

An agreement supplementary to the four-power treaty defining the application of the term "insular possession and insular dominions" as relating to Japan.

A treaty between the nine powers in the conference relating to principles and policies to be followed in matters concerning China.

A treaty between the nine powers relating to Chinese customs tariff.

I invite your prompt approval of all of them. It is quite impossible to readjust our naval program until the naval treaty has your sanction, even though you urged its negotiation. It is not possible to make the readjustment in full confidence, until the whole program has commended itself to your approval.

I am not unmindful, nor was the conference, of the sentiment in this Chamber against Old World entanglements. Those who made the treaties have left no doubt about their true import. Every expression in the conference has emphasized the purpose to be served and the obligations assumed. Therefore, I can bring you every assurance that nothing in any of these treaties commits the United States, or any other power, to any kind of an alliance, entanglement, or involvement. It does not require us or any power to surrender a worth-while tradition. It has been said, if this be true, these are mere meaningless treaties, and therefore valueless. Let us accept no such doctrine of despair as that. If nations may not establish by mutual understanding the rules and principles which are to govern their relationship; if a sovereign and solemn plight of faith by leading nations of the earth is valueless; if nations may not trust one another, then, indeed, there is little on which to hand our faith in advancing civilization or the furtherance of peace. Either we must live and aspire and achieve under a free and common understanding among peoples, with mutual trust, respect, and forbearance, and exercising full sovereignty, or else brutal, armed force will dominate, and the sorrows and burdens of war in this decade will be turned to the chaos and hopelessness of the next. We can no more do without international negotiations and agreements in these modern days than we could maintain orderly neighborliness at home without the prescribed rules of conduct which are more the guaranties of freedom than the restraint thereof.

The world has been hungering for a better relationship for centuries since it has attained its larger consciousness.

The conception of the League of Nations was a response to a manifest world hunger. Whatever its fate, whether it achieves the great things hoped for, or comes to supersede, or to failure, the American unwillingness to be a part of it has been expressed. That unwillingness has been kept in mind, and the treaties submitted to-day have no semblance or relationship save as the wish to promote peace has been the common inspiration.

The four-power treaty contains no war commitment. It covenants the respect of each nation's rights in relation to its insular possessions. In case of controversy between the covenanting powers it is agreed to confer and seek adjustment, and if said rights are threatened by the aggressive action of any outside power, these friendly powers, respecting one another, are to communicate, perhaps confer, in order to understand what action may be taken, jointly or separately, to meet a menacing situation. There is no commitment to armed force, no alliance, no written or moral obligation to join in defence, no expressed or implied commitment to arrive at any agreement except in accordance with our constitutional methods. It is easy to believe, however, that such a conference of the four powers is a moral warning that an aggressive nation, giving affront to the four great powers ready to focus world opinion on a given controversy, would be embarking on a hazardous enterprise.

Frankly, Senators, if nations may not safely agree to respect each other's rights, and may not agree to confer if one to the compact threatens trespass, or may not agree to advise if one party to the pact is threatened by an outside power, then all concerted efforts to tranquilize the world and stabilize peace must be flung to the winds. Either these treaties must have your cordial sanction, or every proclaimed desire to promote peace and prevent war becomes a hollow mockery.

We have seen the eyes of the world turned to the Pacific. With Europe prostrate and penitent, none feared the likelihood of early conflict there. But the Pacific had its menaces, and they deeply concerned us. Our territorial interests are larger there. Its waters are not strange seas to us, its farther shores not unknown to our citizens. Our earlier triumphs of commerce were there. We began treaty relationships with China full eighty years ago, in the youthful vigor of our republic, and the sailings of our clipper ships were the romance of our merchant marine, when it successfully challenged the competition of the world. Seventy years ago Commodore Perry revealed Japan to commerce, and there followed that surpassing development of the island empire, with whom our unbroken peace found a most gratifying reflex in the conference just closed.

A century ago we began planting the seeds of American friendship in Hawaii, and seventy years ago Web-

ster told the Senate that the United States could "never consent to see these islands taken possession of by either of the great commercial powers of Europe." Whether it was destiny, or the development of propinquity, or the influence of our colonists, or faith in our institutions, Hawaii came under the flag in 1898, and rejoices to-day as a part of our Republic.

The lure of the waters, or the march of empire, or the call of commerce or inscrutable destiny led us on, and we went to the South Seas and planted the flag in Samoa. Out of the war with Spain came our sponsorship in the Philippines, and the possession of Guam; and so we are deeply concerned in the mid-Pacific, the South Seas, and the very center of the Far East. We crave peace there as we do on the continent, and we should be remiss in performing a national duty if we did not covenant the relations which tend to guarantee it. For more than a half century we have had a part in influencing the affairs of the Pacific, and our present proposed commitments are not materially different in character, nor materially greater in extent, though fraught with vastly less danger, than our undertakings in the past.

We have convinced the on-looking and interested powers that we covet the possessions of no other power in the Far East, and we know for ourselves that we crave no further or greater governmental or territorial responsibilities there. Contemplating what is admittedly ours, and mindful of a long-time and reciprocal friendship with China, we do wish the opportunity to continue the development of our trade peacefully, and on equality with other nations, to strengthen our ties of friendship, and to make sure the righteous and just relationships of peace.

Holding the possessions we do, entertaining these views, and confessing these ambitions, why should we not make reciprocal engagements to respect the territory of others and contract their respect of ours, and thus quiet apprehension and put an end to suspicion?

There has been concern. There has been apprehension of territorial greed, a most fruitful cause of war. The conference has dissipated both, and your ratification of the covenants made will stabilize a peace for the breaking of which there is not a shadow of reason or real excuse. We shall not have less than before. No one of us shall have less than before. There is no narrowed liberty, no hampered independence, no shattered sovereignty, no added obligation. We have new assurances, new freedom from anxiety, and new manifestations of the sincerity of our own intentions; a new demonstration of that honesty which proclaims a righteous and powerful republic.

I am ready to assume the sincerity and the dependability of the assurances of our neighbors of the Old World that they will respect our rights, just as I know we

mean to respect theirs. I believe there is an inviolable national honor, and I bring to you this particular covenant in the confident belief that it is the outstanding compact of peace for the Pacific, which will justify the limitation of armament and prove a new guarantee to peace and liberty, and maintained sovereignty and free institutions.

No allusion has been made to the treaty restraining and limiting the use of the submarine, and the prohibition of noxious gases in warfare. Since we are asking the world's adherence, it is easily assumed that none in America will hold aloof.

Nor need I dwell on the nine-power treaty relating to principles and policies to be followed in the relationship of the signatory powers to China. Our traditional friendship for the ancient empire, our continued friendship for the new republic, our commitment of more than twenty years to the open door, and our avowed concern for Chinese integrity and unimpaired sovereignty, make it easy to assume that the Senate will promptly and unanimously assent. China's own satisfaction in the restorations covenanted here has been officially expressed, quite apart from the testifying signatures.

Perhaps I may fittingly add a word which is suggested by my relationship as a former member of the Senate. I had occasion to learn of your very proper jealousy of the Senate's part in contracting foreign relationships. Frankly, it was in my mind when I asked representatives of both the majority and minority to serve on the American Delegation. It was designed to have you participate. And you were ably represented.

The Senate's concern for freedom from entanglements, for preserved traditions, for maintained independence, was never once forgotten by the American Delegates. If I did not believe these treaties brought us not only new guaranties of peace but greater assurances of freedom from conflict, I would not submit them to your consideration.

Much depends on your decision. We have joined in giving to the world the spectacle of nations gathering about the conference table, amid the convictions of peace, free from all passion, to face each other in the contacts of reason, to solve menacing problems, and end disputes, and clear up misunderstandings. They have agreed to confer again when desirable, and turn the revealing light of world opinion on any menace to peace among them. Your Government encouraged, and has signed the compacts which it had much to do in fashioning. If to these advanced expressions of the conscience of leading powers, if to these concords to guard against conflict and lift the burdens of armament, if to all of these the Senate will not advise and consent, then it will be futile to try again. Here has been exercised every caution consistent with



accomplishment. Here was a beginning on your advice, no matter when conceived, and the program was enlarged, only because assurances of tranquility were deemed the appropriate concomitants of the great experiment in arms limitation.

I alluded a moment ago to my knowledge of the viewpoint of the Senate, from personal experience. Since that experience I have come to know the viewpoint and inescapable responsibility of the Executive. To the Executive comes the closer view of world relationship and a more impressive realization of the menaces, the anxieties, and the apprehensions to be met.

We have no rivalries in our devotion to the things we call American, because that is a common consecration. None of us means to endanger, none of us would sacrifice a cherished national inheritance. In mindfulness of this mutuality of interest, common devotion, and shared authority, I submit to the Senate that if we can not join in making effective these covenants for peace, and stamp this conference with America's approval, we shall discredit the influence of the Republic, render future efforts futile or unlikely, and write discouragement where to-day the world is ready to acclaim new hope. Because of this feeling, because I believe in the merits of these engagements, I submit them to the Senate with every confidence that you will approve.

## LETTER OF SUBMITTAL.

DEPARTMENT OF STATE,  
*Washington, February 9, 1922.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to their transmission to the Senate to receive the advice and consent of that body to their ratification, if his judgment approve thereof, the following treaties:

(1) A treaty between the United States of America, the British Empire, France, Italy, and Japan with respect to the limitation of naval armament.

(2) A treaty between the same Powers in relation to the use of submarines and noxious gases in warfare.

(3) A treaty between the United States of America, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean. An explanatory declaration accompanies this treaty.

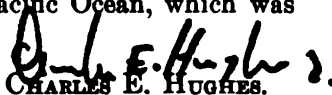
(4) A treaty between the same Powers supplementary to the above-mentioned treaty in relation to insular possessions and insular dominions in the Pacific Ocean.

(5) A treaty between the United States of America, Belgium, British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to policies in matters concerning China.

(6) A treaty between the same nine Powers relating to the Chinese customs tariff.

All of the above-mentioned treaties were signed on February 6, 1922, with the exception of the treaty between the United States of America, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, which was signed on December 13, 1921.

Respectfully submitted.

  
CHARLES E. HUGHES.

The PRESIDENT.  
*The White House.*



## PRESIDENT'S INVITATION TO POWERS.

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TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE, AUGUST 11, 1921, TO THE GOVERNMENTS OF GREAT BRITAIN, FRANCE, ITALY, AND JAPAN, TO PARTICIPATE IN A CONFERENCE ON THE LIMITATION OF ARMAMENT.

The President is deeply gratified at the cordial response to his suggestion that there should be a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions should also be discussed.

Productive labor is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced. It is idle to look for stability, or the assurance of social justice, or the security of peace, while wasteful and unproductive outlays deprive effort of its just reward and defeat the reasonable expectation of progress. The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity; and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation. Yet there would seem to be no ground to expect the halting of these increasing outlays unless the Powers most largely concerned find a satisfactory basis for an agreement to effect their limitation. The time is believed to be opportune for these Powers to approach this subject directly and in conference; and while, in the discussion of limitation of armament, the question of naval armament may naturally have first place, it has been thought best not to exclude questions pertaining to other armament to the end that all practicable measures of relief may have appropriate consideration. It may also be found advisable to formulate proposals by which in the interest of humanity the use of new agencies of warfare may be suitably controlled.

It is, however, quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding

and to seek ground for agreement as to principles and their application. It is the earnest wish of this Government that, through an interchange of views with the facilities afforded by a conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time; that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the Conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance, the President invites the Government of the French Republic to participate in a Conference on the subject of Limitation of Armament in connection with which Pacific and Far Eastern questions will also be discussed, to be held in Washington on the 11th day of November, 1921.

**TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE, AUGUST 11, 1921, TO THE GOVERNMENT OF CHINA TO PARTICIPATE IN THE DISCUSSION OF PACIFIC AND FAR EASTERN QUESTIONS, IN CONNECTION WITH THE CONFERENCE ON THE LIMITATION OF ARMAMENT.**

The President is deeply gratified at the cordial response to his suggestion that there should be a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions should also be discussed.

It is quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement as to principles and their application. It is the earnest wish of this Government that, through an interchange of views with the facilities afforded by a conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time; that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the Conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance the President invites the Government of the Republic of China to participate in the discussion of Pacific and Far Eastern questions, in connection with the Conference on the subject of Limitation of Armament, to be held in Washington on the 11th day of November, 1921.

TEXT OF THE FORMAL INVITATION OF THE PRESIDENT, SENT BY THE SECRETARY OF STATE, OCTOBER 4, 1921, TO THE GOVERNMENTS OF BELGIUM, THE NETHERLANDS, AND PORTUGAL, TO PARTICIPATE IN THE DISCUSSION OF PACIFIC AND FAR EASTERN QUESTIONS IN CONNECTION WITH THE CONFERENCE ON THE LIMITATION OF ARMAMENT.

Acting under telegraphic instructions from my Government I have the honor to inform Your Excellency that the invitation of the President of the United States to the Governments of France, Great Britain, Italy, and Japan to send representatives to a Conference to be held in the City of Washington on November 11, 1921, on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, has been graciously accepted. The Government of China has also been pleased to accept the President's invitation to participate in the discussion of Pacific and Far Eastern questions.

It is the earnest wish of this Government that with the facilities afforded by a Conference it may be possible to find a solution of Pacific and Far Eastern problems, by a practical effort to reach such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

In view of the interest of Belgium, the Netherlands, and Portugal in the Far East, the President desires to invite Your Excellency's Government to participate in the discussion of Pacific and Far Eastern questions at the Conference, and I have the honor to enclose herewith the tentative suggestions as to the agenda of the Conference, relating to Pacific and Far Eastern questions, proposed by the Government of the United States.



## PROCEEDINGS OF PLENARY SESSIONS.

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### FIRST PLENARY SESSION.

WASHINGTON, NOVEMBER 12, 1921.

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### LIST OF POWERS REPRESENTED AT THE CONFERENCE, THEIR DELEGATIONS AND THEIR PERSONNEL.

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#### UNITED STATES OF AMERICA.

##### DELEGATES.

The Honorable Charles Evans Hughes, Secretary of State, Chairman.  
The Honorable Henry Cabot Lodge, Senator of the United States.  
The Honorable Elihu Root, former Secretary of State and Senator of the United States.  
The Honorable Oscar W. Underwood, Senator of the United States.

##### ADVISORY COMMITTEE.

The Honorable George Sutherland, Chairman.  
Mr. Charles S. Barrett.  
Mrs. Charles Sumner Bird.  
Mrs. Katherine Phillips Edson.  
Mrs. Eleanor Franklin Egan.  
The Honorable Henry P. Fletcher, Undersecretary of State.  
Mr. Samuel Gompers.  
The Honorable Herbert C. Hoover, Secretary of Commerce.  
Mr. John L. Lewis.  
The Honorable John M. Parker, Governor of Louisiana.  
General John J. Pershing, U. S. A.  
The Honorable Stephen G. Porter, Member of Congress.  
Rear Admiral W. L. Rodgers, U. S. N.  
The Honorable Theodore Roosevelt, Assistant Secretary of the Navy.  
The Honorable Willard Saulsbury.  
Mr. Harold M. Sewall.



## ADVISORY COMMITTEE—Continued.

Mr. Walter George Smith.

Mr. Carmi A. Thompson.

Mr. William Boyce Thompson.

The Honorable J. Mayhew Wainwright, Assistant Secretary of War.

Mrs. Thomas G. Winter.

## SECRETARIAT.

Mr. Basil Miles, Secretary of the Delegation.

Mr. Irwin Laughlin, Counselor of Embassy, Secretary.

Mr. J. Butler Wright, Counselor of Embassy, Secretary.

Mr. Edward Bell, Counselor of Embassy, Secretary.

Mr. Philip H. Patchin, Department of State, Secretary.

Mr. Henry Suydam, Department of State, Secretary.

Mr. F. L. Mayer, First Secretary of Embassy, Secretary.

Mr. Tracy Lay, Consul, Secretary.

Mr. W. L. Hurley, Department of State, Secretary.

Mr. Stanley Washburn, Secretary.

Mr. Laurence Green, Assistant Secretary.

Mr. T. L. Daniels, Third Secretary of Embassy, Assistant Secretary.

Mr. Jefferson Patterson, Third Secretary of Embassy, Assistant Secretary.

Mr. Stanley Hawks, Assistant Secretary.

Mr. J. O. Denby, Third Secretary of Embassy, Assistant Secretary.

Mr. John M. Vorys, Assistant Secretary.

## CEREMONIAL, PROTOCOL, ETC.

The Honorable Robert Woods Bliss, Third Assistant Secretary of State.

Mr. Warren D. Robbins, Counselor of Embassy.

Mr. Charles Lee Cooke, Department of State.

Mr. Richard Southgate, Second Secretary of Embassy.

Mr. Hugh Millard, Third Secretary of Embassy.

## TECHNICAL STAFF.

Limitation of armament—

For the Department of State—

The Honorable Henry P. Fletcher, Under-secretary of State.

Mr. J. Reuben Clark, Special Counsel to the Department of State.

For the War Department—

Major General George O. Squier, U. S. A., Radio and Electrical Communications generally.

Major General C. C. Williams, U. S. A., Chief of Ordnance.

Major General M. M. Patrick, U. S. A., Chief of Air Service.

**TECHNICAL STAFF—Continued.****Limitation of armament—Continued.****For the War Department—Continued.**

Brigadier General William Mitchell, U. S. A.,  
Aviation.

Brigadier General Amos A. Fries, U. S. A.,  
Chemical Warfare.

Colonel John A. McA. Palmer, U. S. A.,  
Organization and General Military Sub-  
jects.

Colonel B. H. Wells, U. S. A., Organization  
and General Military Subjects.

Lieutenant Colonel Stuart Heintzelman,  
U. S. A., Military Intelligence and Or-  
ganization of Foreign Armies.

Dr. Louis Cohen, Civilian Radio Engineer,  
Signal Corps.

**For the Navy Department—**

The Honorable Theodore Roosevelt, As-  
sistant Secretary of the Navy.

Admiral Robert E. Coontz, U. S. N.,  
Technical Expert-general.

Rear Admiral William A. Moffett, U. S. N.,  
Aeronautics.

Rear Admiral William V. Pratt, U. S. N.,  
Technical Expert-general.

Captain Frank H. Schofield, U. S. N.,  
Technical Expert-general.

Captain Luke McNamee, U. S. N., Tech-  
nical Expert-general.

Captain Samuel W. Bryant, U. S. N., Com-  
munications.

Commander C. Hooper, U. S. N., Radio.

Mr. L. W. Austin, Radio.

**Chemical warfare—**

Professor Edgar F. Smith.

And Army and Navy officers.

**Pacific and Far Eastern questions—**

Mr. John Van A. MacMurray, Chief, Division of  
Far Eastern Affairs, Department of State.

Mr. D. C. Poole, Chief, Division of Russian  
Affairs, Department of State.

Professor E. T. Williams, formerly Chief, Divi-  
sion of Far Eastern Affairs, Department of  
State.

Mr. Edward Bell, Counselor of Embassy.

Mr. F. P. Lockhart, Department of State.

Mr. J. S. Abbott, Department of Commerce.

Mr. N. T. Johnson, Department of State.

Mr. E. L. Neville, Department of State.

Professor G. H. Blakeslee, Clark University.

Mr. Stanley K. Hornbeck, Department of State.

Mr. J. P. Jameson, Department of State.

Mr. Robert F. Leonard, Department of State.

**TECHNICAL STAFF—Continued.****Pacific and Far Eastern questions—Continued.**

Mr. Hugh D. Marshall, Department of State.

Mr. F. L. Mayer, Department of State.

Mr. J. O. Denby, Department of State.

Mr. J. L. Donaldson, Department of State.

**Legal questions—**

Mr. F. K. Nielsen, Solicitor of the Department of State.

Mr. Chandler P. Anderson, formerly Counselor, Department of State.

Professor George G. Wilson.

Dr. James Brown Scott.

**Economic questions and merchant marine—**

Dr. W. S. Culbertson, Commissioner, United States Tariff Commission.

Mr. Daniel H. Cox, United States Shipping Board,

**Communications—**

Mr. Leland Harrison, Counselor of Embassy.

Mr. S. W. Stratton, Department of Commerce.

Mr. J. H. Dellinger, Department of Commerce.

Mr. Walter S. Rogers, Department of State.

And Army and Navy officers.

**CARTOGRAPHY.**

Mrs. Annabelle W. Phelps.

Mr. George W. Garland, U. S. Geological Survey.

**FOR THE PRESS.**

Mr. Philip H. Patchin.

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**ARCHIVES.**

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Mr. Gaillard Hunt.

Mr. James L. Duncan, Assistant Editor.

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Baron de Cartier, Belgian Ambassador to the United States.

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Mr. Félicien Cattier, President of the Banque d'Outremer, and Honorary Professor of Brussels University.

Le Chevalier de Wouters d'Oplinter, Vice President of the Banque Belge pour l'Etranger, and ex-Legal Adviser to the Chinese Government.

Mr. Jules Jadot, Head Manager of the Lung-Hai Railroad.

**ASSISTANT TECHNICAL ADVISERS.**

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**SECRETARY GENERAL.**

Mr. Pol le Tellier, Counselor of Embassy.

**ASSISTANT SECRETARIES GENERAL.**

Mr. Robert Silvercruys, Secretary of Embassy.

Mr. Raoul Tilmont, Attaché of Embassy.

**BRITISH EMPIRE.**

**DELEGATES.**

**Great Britain—**

The Right Honorable David Lloyd George, O. M.,  
M. P., Prime Minister and First Lord of the  
Treasury.

The Right Honorable A. J. Balfour, O. M., M. P.,  
Lord President of the Council.

The Right Honorable Lord Lee of Fareham,  
G. B. E., K. C. B., First Lord of the Admiralty.

The Right Honorable Sir Auckland Geddes,  
K. C. B., British Ambassador to the United  
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**Canada—**

The Right Honorable Sir Robert Borden, G. C.  
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**Australia—**

Senator the Right Honorable G. F. Pearce, Aus-  
tralian Minister for Defense.

**New Zealand—**

The Honorable Sir John Salmond, Judge of the  
Supreme Court of New Zealand.

**India—**

The Right Honorable Srinivasa Sastri, member  
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**FOREIGN AFFAIRS SECTION.**

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Mr. F. Ashton-Gwatkin, Second Secretary in His  
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Naval Intelligence Division, Admiralty.  
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**ECONOMIC SECTION.**

Sir H. Llewellyn Smith, G. C. B., Economic Adviser  
to His Majesty's Government.  
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**CANADIAN SECTION.**

Mr. L. C. Christie, Legal Adviser to Department of  
External Affairs, Canada, and Secretary for  
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**AUSTRALIAN SECTION.**

Mr. G. S. Knowles, O. B. E., Secretary for Australia.  
 Mr. E. L. Piesse, Expert on Pacific questions.  
 Mr. G. B. Cooke, Staff of Australian Commissioner,  
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 Mr. D. H. R. Reid, Private Secretary to Senator  
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**NEW ZEALAND SECTION.**

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 for New Zealand.  
 Mr. J. M. Gamble, Private Secretary to Sir John  
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**INDIAN SECTION.**

Colonel K. Wigram, C. B., C. S. I., C. B. E., D. S. O.  
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 Mr. G. S. Bajpai, I. C. S., Private Secretary to Mr.  
 Sastri, and Secretary for India.

**PUBLICITY SECTION.**

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**SECRETARIAT.**

Lieutenant Colonel Sir Maurice Hankey, G. C. B.,  
 Secretary-General to the British Empire Dele-  
 gation.  
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 Mr. G. S. Knowles, O. B. E., Secretary for Australia.  
 Mr. E. O. Mousley, Secretary for New Zealand.  
 Mr. G. S. Bajpai, I. C. S., Secretary for India.

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 Mr. L. F. Burgis, Assistant Secretary.  
 Commander H. R. Moore, D. S. O.  
 Lieutenant F. W. Rawlins, M. B. E., Chief Clerk.

**CHINA.****DELEGATES.**

Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and  
 Minister Plenipotentiary to the United States of  
 America.  
 Mr. V. K. Wellington Koo, Envoy Extraordinary  
 and Minister Plenipotentiary to the Court of St.  
 James.  
 Dr. Chung-Hui Wang, Chief Justice of the Supreme  
 Court of the Republic of China.  
 Mr. Chao-Chu Wu.

**SUPERIOR ADVISERS.**

Mr. Yuho M. T. Liang, Ex-Minister for Foreign  
 Affairs.  
 Mr. Tzu-Chi Chow, Ex-Minister of Finance.

**SECRETARY GENERAL.**

Mr. Philip K. C. Tyau, Envoy Extraordinary and  
 Minister Plenipotentiary to Cuba.

**ASSISTANT SECRETARY GENERAL.**

Mr. Yun-Siang Tsao, Counselor of the Ministry of Foreign Affairs.

**ADVISERS.**

Vice Admiral Ting-Kan Tsai.

Lieutenant General Fu Hwang.

Mr. Chia-Jui Wang, Counselor of the Government Bureau of Printing.

Mr. Wen-Kan Lo, Vice President of the Commission on Codification of Laws.

Dr. Hawkling Yen, Adviser to the Ministry of Foreign Affairs.

**COUNSELORS.**

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Mr. Chung-Yu Wang.

Mr. Mun-Yew Chung.

Mr. Tung-Fan Hsu.

Mr. Nan-Ju Wu.

Mr. Ta-Chen Wang.

Mr. Shih-Tsin Wen.

Mr. Tien-Chi Yang.

Mr. Kwai Yung.

Mr. Pan-Cheng King.

Mr. En-Liang Tang.

Mr. Shu-Jen Hsu.

**TECHNICAL DELEGATES.**

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Mr. Hon-Nieng Wang.

Mr. Yang-Pin Wang.

Mr. Ching-Ming Li.

Mr. Shih-Yi Chia.

Lieutenant General Chung-Yo Lee.

Rear Admiral King-Hsi Li.

Mr. Fatteng Tinsik Cheng.

Mr. Tseu-Ying Teng.

Mr. Chih-Chang Wang.

Mr. Tien Chow.

Dr. Te-Ching Yen.

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Dr. Koung-Ou Houx.

Mr. Kwang-Yi Char.

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**DIRECTORS OF DEPARTMENTS.**

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Mr. Tzon-Fah Hwang.

**ASSISTANT DIRECTOR OF DEPARTMENTS.**

Dr. Ung-Yu Yen.

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Mr. Shou-Mo Chang.

Mr. Ziang-Ling Chang.

Mr. Chuan Chao.

## SECRETARIES—Continued.

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Mr. Linson Dzau.

Dr. Chi-Tai Hoo.

Mr. Tsung-Ling Huang.

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Mr. Telly Howard Koo.

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Dr. T. Philip Sze.

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Mr. Ching-Yi Tang.

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Mr. Che-Tsien Tchou.

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Mr. Yoch-Liang Tong.

Dr. Wen-Pin Wei.

Mr. Tsen-Ngao Yang.

Mr. Yung-Ching Yang.

Mr. De-Djuen Yu.

## ATTACHÉS.

Brevet Brigadier General Ting-Chia Chen.

Mr. Hsing-Hai Chang.

Mr. Hung-Yeh Chao.

Mr. Yen-Shu Che.

Mr. Tien-Tsin Chen.

Mr. Franklin Chiu.

Mr. Tsu-hung Chu.

Mr. Pao-Tien Hsieh.

Mr. Mour Hsu.

Mr. Teh-peh Kung.

Mr. Shih-Sung Li.

Mr. Yeh Li.

Mr. Min-Chao Liu.

Mr. Yuhu C. Liu.

Mr. Kwang-Lai Lou.

Mr. Mau-Dei Lu.

Mr. Jones Lu.



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Mr. Keesing Sen.  
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 Mr. Chao-Wei Sze.  
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 Mr. Teh Kwang Tsen.  
 Mr. Yuan-Mow Wang.  
 Mr. Yung-hsi Wei.  
 Mr. Seu-Mei Woo.  
 Mr. Ge-Zay Wood.  
 Mr. Chao-Yung Wu.  
 Mr. Shen-Kun Wu.  
 Mr. Chao-Ying T. C. Yeh.  
 Mr. Kih-Sung Yen.  
 Mr. Kimpson Yu.  
 Mr. Chun-Chieh Yu.  
 Mr. Robert Yu, jr.

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Mr. Chi Chow.  
 Mr. Ying Kao.  
 Mr. Che-Yee Lee.  
 Mr. Chia-Yu Liu.  
 Mr. Gin-Ding Shen.  
 Mr. Ching-Shang Tyau.

**CLERKS.**

Mr. Tsong-Gee Chu.  
 Mr. Tsung-Len Li.  
 Mr. Chi-Seng Mong.  
 Mr. Yu-Lean Shang.  
 Mr. Shih-Yuan Yu.  
 Mr. Hing-Ching Chu.  
 Mr. Shao-Ying Fan.  
 Mr. Vun-Kang Hang.  
 Mr. Chun-Fang Lee.  
 Mr. Tsen-Tung Lieu.  
 Mr. Hsi-Chi Wang.  
 Mr. Tso-Yung Tyau.

**FRANCE.****DELEGATES.**

Mr. Aristide Briand, President of the Council, Minister  
 for Foreign Affairs.  
 Mr. René Viviani, Deputy, former President of the  
 Council.  
 Mr. Albert Sarraut, Senator, Minister of Colonies.  
 Mr. Jules Jusserand, Ambassador of France to the  
 United States.

**SECRETARIAT.**

Mr. Philippe Berthelot, Secretary General of the Min-  
 istry of Foreign Affairs, with rank of Ambassador  
 of France, Secretary General.  
 Mr. Kammerer, Minister Plenipotentiary, Secretary  
 General.  
 Mr. René Massigli, Secretary General of the Confer-  
 ence of Ambassadors, Assistant Secretary General.

**SECRETARIAT—Continued.**

Mr. Carteron, Consul of France.  
 Mr. Denaint, Consul of France.  
 Mr. Marcassin, Consul of France.  
 Dr. Chatin.  
 Mr. Batigne.

**EXPERTS.****For military questions—**

General Buat, Chief of the General Staff of the Army.  
 Colonel Roure.  
 Colonel Requin.  
 Captain Koetz.  
 Captain Roper.  
 Lieutenant de Colbert.  
 Mr. Moureu, Member of the Institute, Professor in the Collège de France.  
 Mr. Mayer, Professor in the Faculty of Medicine in the University of Strasbourg.

**For naval questions—**

Vice Admiral de Bon.  
 Capitaine de Vaisseau Frochot.  
 Capitaine de Vaisseau Dupuy-Dutemps.  
 Capitaine de Corvette Odend'hal.  
 Lieutenant de Vaisseau d'Anselme.

**For legal questions—**

Mr. Fromageot, Legal Adviser to the Ministry of Foreign Affairs.

**For political questions—**

Mr. Kammerer, Minister Plenipotentiary.  
 Mr. Léger, Secretary of Embassy.

**For financial and economic questions—**

Mr. Casenave, Minister Plenipotentiary.  
 Mr. Cheysson, Inspector of Finance.  
 Mr. de Sieres.  
 Mr. de Rincquesen, Inspector of Finance.

**Colonies—**

Mr. Duchêne, Counselor of State, Director of Political Affairs in the Ministry of Colonies.  
 Mr. Touzet, Governor of Colonies.  
 Mr. Garnier, Superior Resident.  
 Mr. Colas.

**For cables and wireless telegraph—**

Mr. Girardeau.

**FOR THE PRESS.**

Mr. Ponsot, Consul General.  
 Mr. Corbin, First Secretary of Embassy.  
 Mr. de Tessan.

**COUNSELLORS.**

Mr. Fournier-Sarlovèze, Deputy, High Commissioner in the Ministry of Devastated Regions.  
 Mr. Philippe Bunau-Varilla, Engineer.  
 Mr. Duplan, Economist.

## ITALY.

## DELEGATES.

Mr. Carlo Schanzer, Senator, President of the Delegation.

Mr. Vittorio Rolandi-Ricci, Senator, Italian Ambassador to the United States.

Mr. Luigi Albertini, Senator.

Mr. Filippo Meda, Representative.

## SECRETARY GENERAL.

Marquis Giovanni Visconti-Venosta.

## DIPLOMATIC ADVISERS.

Count Emilio Pagliano, Counselor of the Italian Embassy in Madrid.

Mr. Giuliano Cora, Counselor of the Italian Embassy in London.

Mr. Vincenzo Fileti, Consul General at San Francisco.

Mr. Andrea Geisser Celesia di Vegliasco, Secretary of the Italian Embassy in Washington.

## MILITARY ADVISERS.

Lieutenant General Giuseppe Vaccari, Chief of Staff of the Italian Army.

Colonel Marquis Vittorio Asinari di Bernezzo.

Lieutenant Colonel Natale Pentimalli.

Lieutenant Colonel Curio Barbasetti nob. del S. R. I. e di Prun.

## NAVAL ADVISERS.

Vice Admiral Baron Ferdinando Acton.

Commander Prince Fabrizio Ruspoli.

Lieutenant Count Rogadeo di Torrequadra.

## AVIATION ADVISERS.

Colonel Riccardo Moizo, Military Aviation.

Lieutenant Colonel Alessandro Guidoni, Naval Aviation.

## ECONOMIC ADVISERS.

Mr. Francesco Quattrone, Commissioner of Italy, Honorary Minister Plenipotentiary.

Mr. Domenico Gidoni, Delegate of the Ministry of the Treasury.

Mr. Ferdinando Bussetti.

Mr. Francesco Giannini, Commercial Attaché to the Italian Embassy at London.

Mr. G. B. Ceccato, Commercial Attaché to the Italian Embassy at Washington.

Mr. Adolfo Vinci, Counselor of Emigration to the Italian Embassy at Washington.

## PRESS SERVICE.

Mr. Giuseppe Gentile, Honorary Minister Plenipotentiary, Chief of the Press Service.

Mr. Felice Ferrero.

## PRIVATE SECRETARIES.

Lieutenant Jack Bosio, for Senator Schanzer.

Mr. Vittorio Falorsi, for Ambassador Rolandi-Ricci.

Mr. Leonardo Albertini, for Senator Albertini.

**SECRETARIES.**

Count David Costantini.  
 Mr. Virgilio Cimaschi.  
 Mr. Alessandro Sapelli.  
 Mr. Franco Bruno-Averardi.

**ASSISTANT SECRETARIES.**

Mr. Mario Buonomo.  
 Mr. Michele Matteo.

**JAPAN.****DELEGATES.**

Admiral Baron Tomosaburo Kato, Minister of the Navy.  
 Baron Kijuro Shidehara, Japanese Ambassador to the United States.  
 Prince Iyesato Tokugawa, President of the House of Peers.  
 Mr. Masanao Hanihara, Vice-Minister for Foreign Affairs.

**SECRETARY GENERAL.**

Mr. Tsuneo Matsudaira, Director of the European and American Department of the Foreign Office.

**OTHER MEMBERS OF THE DELEGATION.**

Mr. Sennosuke Yokota, Director of the Bureau of Legislation.  
 Dr. Sakutaro Tachi, Professor in the Imperial University.  
 Mr. Shinichiro Matsumura, Counselor of the Bureau of Legislation.  
 Vice Admiral Hiroharu Kato.  
 Major General Kunishige Tanaka.  
 Mr. Katsuji Debuchi, Counselor of Embassy.  
 Mr. Akira Den, Financial Attaché to Embassy.  
 Major General Sawaji Otake.  
 Dr. Kiroku Hayashi, Counselor of the Foreign Office.  
 Major General Hatsutarō Haraguchi.  
 Mr. Sadao Saburi, Counselor of Embassy.  
 Baron Naibu Kanda, Member of the House of Peers.  
 Rear Admiral Katsunoshin Yamanashi.  
 Mr. Frederick Moore, Foreign Counselor to the Ministry of Foreign Affairs.  
 Mr. Masunosuke Odagiri, Director of the Yokohama Specie Bank.  
 Mr. Eigo Fukai, Director of the Bank of Japan.  
 Captain Kichisaburo Nomura.  
 Captain Junichi Kiyokawa.  
 Captain Nobumasa Suyetsugu.  
 Captain Osami Nagano.  
 Mr. Toru Takao, Consul General.  
 Mr. Eiichi Kimura, Secretary of the Foreign Office.  
 Captain Yoshitake Uyeda.  
 Mr. Tsunetaka Komuchi, Secretary of the Finance Department.

## OTHER MEMBERS OF THE DELEGATION—Continued.

Mr. Yotano Suzuki, First Secretary of Embassy.

Surgeon Captain Masaharu Kojima.

Mr. Yotaro Sugimura, Secretary of the Foreign Office.

Mr. Yutaro Tomita, Secretary of the Finance Department.

Mr. Hachiro Arita, First Secretary of Embassy.

Dr. Yamato Ichihashi.

Mr. Dallas D. L. McGrew, American Secretary.

Lieutenant Colonel Yoshitsugu Tatekawa.

Commander Teikichi Hori.

Mr. Hiroshi Saito, Consul.

Mr. Kihoshi Kanai, Secretary of the Department of Imperial Railways.

Mr. Suichi Sako, Secretary of the Foreign Office.

Mr. Takeo Kawagoye, Secretary of the Finance Department.

Mr. Takashi Negishi, Professor in Tokyo University of Commerce.

Lieutenant Colonel Noburu Morita.

Dr. Yoshimaro Kuno.

Mr. K. Yoshino, Department of Communications.

Commander Akira Kuragano.

Lieutenant Commander Masaharu Hibino.

Major Kanichiro Tashiro.

Major Tsunenari Hara.

Mr. Eiji Amau, Secretary of the Foreign Office.

Paymaster Lieutenant Commander Daisuke Takoi.

Constructor Lieutenant Commander Yasushi Taji.

Mr. Yoshio Iwate, Secretary of the Foreign Office.

Mr. Shigeru Kuriyama, Second Secretary of Embassy.

Mr. Toshio Shiratori, Secretary of the Foreign Office.

Mr. Masaharu Shibatsuji, Third Secretary of Embassy.

Mr. Renzo Sawada, Third Secretary of Embassy.

Major Tanehide Furujo.

Major Kanichi Nishihara.

Mr. Itaro Ishii, Third Secretary of Embassy.

Mr. Shuh Tomii, Third Secretary of Embassy.

Mr. Shigeharu Yenomoto, Counselor to the Navy Department.

Mr. Toyoki Osagawa, Secretary of the Department of Communications.

Mr. Eiji Kishida, Secretary of the Foreign Office.

Mr. Jotaro Takayanagi, Secretary-Translator of the Foreign Office.

Major Takamasa Iseki.

Mr. Katsuji Inahara.

Mr. Genjiro Watanabe.

Mr. Takashi Komatsu.

First Lieutenant Torao Kuwahara.

First Engineer Lieutenant Yoshihiko Mito.

Mr. Shoichi Nakayama, Third Secretary of Embassy.

**OTHER MEMBERS OF THE DELEGATION—Continued.**

Mr. Isago Gomyo, Secretary of the Foreign Office.  
 Captain A. M. C. Kanichiro Morishima.  
 Mr. Yasuji Seko, Secretary of the House of Peers.  
 Mr. Hirobumi Terashima, Secretary of the Foreign Office.  
 Mr. Takanobu Mitani, Third Secretary of Embassy.  
 Mr. Kanzo Shiozaki, Third Secretary of Embassy.  
 Mr. Chuichi Ohashi, Third Secretary of Embassy.  
 Mr. Tatsuo Kawai, Third Secretary of Embassy.  
 Mr. Renkei Tsuda, Third Secretary of Embassy.  
 Mr. Tsunetaro Yamamoto, Secretary-Translator.  
 Mr. Yenji Takeda, Attaché to Embassy.  
 Mr. Morito Morishima, Attaché to Embassy.  
 Mr. Yoshiaki Miura, Secretary of the Foreign Office.  
 Mr. Chuichiro Harada, Secretary-Translator.  
 Mr. Akira Omi, Attaché to Embassy.  
 Mr. Takero Ishii, Secretary of the Section of Telegraph.  
 Mr. Nobushiro Sugiyama, Elève-Consul.  
 Mr. Tsuruya Tamaki, Attaché to Embassy.  
 Mr. Issaku Okamoto, Attaché to Embassy.  
 Mr. Yokichi Okajima, Attaché to the Foreign Office.  
 Mr. Tsuneo Yonaiyama, Secretary-Translator.

**NETHERLANDS.****DELEGATES.**

Jonkheer H. A. van Karnebeek, Minister for Foreign Affairs.  
 Jonkheer F. Beelaerts van Blokland, Envoy Extraordinary and Minister Plenipotentiary, Chief of the Political Division of the Ministry for Foreign Affairs.  
 Dr. E. Moresco, Vice President of the Council of the Netherlands East Indies.

**ALTERNATE DELEGATES.**

Dr. J. C. A. Everwijn, Netherlands Minister to the United States.  
 Jonkheer W. H. de Beaufort, Minister Plenipotentiary.

**ATTACHED TO THE DELEGATION.**

Jonkheer H. M. van Haersma de With, Counselor of Legation, Secretary to the Minister for Foreign Affairs.  
 Jonkheer A. W. L. Tjarda van Starkenborgh Stachouwer, Secretary of Legation, Secretary General of the Delegation.  
 Mr. G. W. J. Putman Cramer, Commander, Royal Netherlands Navy.  
 Jonkheer O. Six, Chief of Division of the Colonial Office.  
 Mr. van Wettum, Adviser for Colonial Affairs.  
 Mr. de Kat Angelino, Adviser for Chinese Affairs of the Dutch East Indian Government.

**ATTACHED TO THE DELEGATION—Continued.**

Jonkheer C. van Breughel Douglas, Attaché of Legation.

Mr. A. Pelt, Press Secretary of the Delegation.

**PORTUGAL.****DELEGATES.**

Viscount d'Alte, Portuguese Minister to the United States.

Captain E. de Vasconcellos.

**SECRETARY.**

Mr. Montalto de Jesus.

**SECRETARIAT GENERAL.****SECRETARY GENERAL.**

Mr. John W. Garrett, formerly Minister Plenipotentiary, Secretary General of the Conference.

**SECRETARIES.**

Mr. William Penn Cresson, formerly First Secretary of Embassy, Secretary.

Mr. Seth Low Pierrepont, formerly Assistant Chief of Division of Latin-American Affairs, Department of State, Secretary.

Mr. Lithgow Osborne, formerly Second Secretary of Embassy, Secretary.

Mr. J. G. D. Paul, formerly Special Assistant, Department of State, Secretary.

Mr. Warden McKee Wilson, Third Secretary of Embassy, Assistant Secretary.

Mr. Geoffrey V. Azoy, Assistant Secretary.

**INTERPRETERS.**

Professor G. H. Camerlynck.

Professor René Talamon.

**ARCHIVES.**

Mr. David A. Salmon.

**DISBURSING OFFICER.**

Mr. William McNeir.

The Conference on the Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, met at Washington on Saturday, November 12, 1921, at 10.30 o'clock a. m., in Memorial Continental Hall. The Secretary of State of the United States of America, the Honorable Charles Evans Hughes, presided.

THE SECRETARY OF STATE OF THE UNITED STATES (*speaking in English*<sup>1</sup>): Prayer will be offered by Rev. Dr. Abernethy.

<sup>1</sup> As English and French are the official languages of the Conference each speech is reported verbatim as delivered either in English or in French. At the conclusion of the speech it is immediately rendered

DR. ABERNETHY (*speaking in English*): Almighty God, we thank Thee for the coming of this eventful day. We have seen it from afar, and now we rejoice at its dawning. May it bring untold blessings to a troubled world. O Thou Omnipotent One, today as in other days we believe that Thou dost guide in human affairs. Thou hast made of one blood all nations that dwell upon the earth, and though we are of many races and many tongues, yet the interests of the few are the interests of the larger number. May we feel assured to-day that the happiness and welfare and prosperity of the human family are inexpressibly dear to Thy heart.

We pray for clear vision, or we shall grope blindly for the light and lose our way. We pray for hearts lovingly sympathetic to the distresses of others wherever they may exist, or we shall sink into the depths of a miserable selfishness. We pray for minds willing to believe that the strong ought to bear the infirmities of the weak, or we shall miss the great joy of service. We pray for the forward look, or we shall be overwhelmed in hopeless pessimism.

Give us the ability to think clearly, to judge fairly, to act wisely. Help us to think less often of our rights and more often of our duties and our responsibilities.

We pray at this hour on behalf of a world in sore need. We are not unmindful of the sufferings of Thy people. The cries of multitudes of widows and orphans have come up before Thee, O God! We have had our terrible baptism of blood. There is hunger and pestilence and unutterable anguish. God forbid that the woes of these years should ever again be visited upon this earth. Can it be that Thou hast permitted us this suffering in order that we might turn from our human devices to Thee and acknowledge Thee as the God of our lives and the ruler of our destinies? And may we walk softly and humbly before Thee this day and during the days of this fateful Conference. May we be intent on knowing Thy will and, knowing it, have the courage to do it; and may the findings of this Conference be so wise, so far-reaching, and so beneficial that this world may take new hope and fresh courage. And to Thee shall be the praise and the glory forever and ever. Amen.

MR. HUGHES (*speaking in English*): The President of the United States. (*Applause, all present rising.*)

THE PRESIDENT OF THE UNITED STATES (*speaking in English*): Mr. Secretary and Members of the Conference, Ladies and Gentlemen:

It is a great and happy privilege to bid the delegates to this Conference a cordial welcome to the

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into the other language by the official interpreter. The original speech is thereafter carefully translated into the other language. This translation is printed herein. In certain cases, when the speech is delivered in some other language than French or English, the English or the French translation is taken as the original.



capital of the United States of America. It is not only a satisfaction to greet you because we were lately participants in a common cause, in which shared sacrifices and sorrows and triumphs brought our nations more closely together, but it is gratifying to address you as the spokesmen for nations whose convictions and attending actions have so much to do with the weal or woe of all mankind.

It is not possible to overappraise the importance of such a conference. It is no unseemly boast, no disparagement of other nations which, though not represented, are held in highest respect, to declare that the conclusions of this body will have a signal influence on all human progress—on the fortunes of the world.

Here is a meeting, I can well believe, which is an earnest of the awakened consciences of twentieth century civilization. It is not a convention of remorse, nor a session of sorrow. It is not the conference of victors to define terms of settlement. Nor is it a council of nations seeking to remake humankind. It is rather a coming together, from all parts of the earth, to apply the better attributes of mankind to minimize the faults in our international relationships.

Speaking as official sponsor for the invitation, I think I may say the call is not of the United States of America alone, it is rather the spoken word of a war-wearied world, struggling for restoration, hungering and thirsting for better relationship; of humanity crying for relief and craving assurances of lasting peace.

It is easy to understand this world-wide aspiration. The glory of triumph, the rejoicing in achievement, the love of liberty, the devotion to country, the pangs of sorrow, the burdens of debt, the desolation of ruin—all these are appraised alike in all lands. Here in the United States we are but freshly turned from the burial of an unknown American soldier, when a nation sorrowed while paying him tribute. Whether it was spoken or not, a hundred millions of our people were summarizing the inexcusable causes, the incalculable cost, the unspeakable sacrifices, and the unutterable sorrows, and there was the ever-impelling question: How can humanity justify or God forgive? Human hate demands no such toll; ambition and greed must be denied it. If misunderstanding must take the blame, then let us banish it, and let understanding rule and make goodwill regnant everywhere. All of us demand liberty and justice. There can not be one without the other, and they must be held the unquestioned possession of all peoples. Inherent rights are of God, and the tragedies of the world originate in their attempted denial. The world to-day is infringing their enjoyment by arming to defend or deny, when simple sanity calls for their recognition through common understanding.

Out of the cataclysm of the World War came new fellowships, new convictions, new aspirations. It is ours to make the most of them. A world staggering with debt needs its burden lifted. Humanity which has been shocked by wanton destruction would minimize the agencies of that destruction. Contemplating the measureless cost of war and the continuing burden of armament, all thoughtful peoples wish for real limitation of armament and would like war outlawed. In soberest reflection the world's hundreds of millions who pay in peace and die in war wish their statesmen to turn the expenditures for destruction into means of construction, aimed at a higher state for those who live and follow after.

It is not alone that the world cannot readjust itself and cast aside the excess burdens without relief from the leaders of men. War has grown progressively cruel and more destructive from the first recorded conflict to this pregnant day, and the reverse order would more become our boasted civilization.

Gentlemen of the Conference, the United States welcomes you with unselfish hands. We harbor no fears; we have no sordid ends to serve; we suspect no enemy; we contemplate or apprehend no conquest. Content with what we have, we seek nothing which is another's. We only wish to do with you that finer, nobler thing which no nation can do alone.

We wish to sit with you at the table of international understanding and good will. In good conscience we are eager to meet you frankly, and invite and offer cooperation. The world demands a sober contemplation of the existing order and the realization that there can be no cure without sacrifice, not by one of us, but by all of us.

I do not mean surrendered rights, or narrowed freedom, or denied aspirations, or ignored national necessities. Our Republic would no more ask for these than it would give. No pride need be humbled, no nationality submerged, but I would have a mergence of minds committing all of us to less preparation for war and more enjoyment of fortunate peace.

The higher hopes come of the spirit of our coming together. It is but just to recognize varying needs and peculiar positions. Nothing can be accomplished in disregard of national apprehensions. Rather, we should act together to remove the causes of apprehensions. This is not to be done in intrigue. Greater assurance is found in the exchanges of simple honesty and directness, among men resolved to accomplish as becomes leaders among nations, when civilization itself has come to its crucial test.

It is not to be challenged that government fails when the excess of its cost robs the people of the way to happiness and the opportunity to achieve. If the finer sen-

timents were not urging, the cold, hard facts of excessive cost and the eloquence of economics would urge us to reduce our armaments. If the concept of a better order does not appeal, then let us ponder the burden and the blight of continued competition.

It is not to be denied that the world has swung along throughout the ages without heeding this call from the kindlier hearts of men. But the same world never before was so tragically brought to realization of the utter futility of passion's sway when reason and conscience and fellowship point a nobler way.

I can speak officially only for our United States. Our hundred millions frankly want less of armament and none of war. Wholly free from guile, sure in our own minds that we harbor no unworthy designs, we accredit the world with the same good intent. So I welcome you, not alone in good will and high purpose, but with high faith.

We are met for a service to mankind. In all simplicity, in all honesty and all honor, there may be written here the avowals of a world conscience refined by the consuming fires of war, and made more sensitive by the anxious aftermath. I hope for that understanding which will emphasize the guarantees of peace, and for commitments to less burdens and a better order which will tranquilize the world. In such an accomplishment there will be added glory to your flags and ours, and the rejoicing of mankind will make the transcending music of all succeeding time.

MR. HUGHES (*speaking in English*): It is understood to be agreeable to the delegates that both French and English shall be the official languages of the Conference; and, in order that time may be saved, as the address of the President has already been distributed in both languages, it is assumed not to be necessary to have it repeated in interpretation.

Is that agreeable to you, Mr. Briand?

MR. BRIAND (*speaking in French*): I thank you, Mr. Chairman. Since, as you say, a translation has been distributed for the sake of saving time, we shall not insist on having the speech interpreted into French.

MR. HUGHES (*speaking in English*): Gentlemen, it is now in order to proceed to the organization of the Conference.

MR. BALFOUR (*speaking in English*): Mr. Secretary, Gentlemen:

The President of the United States has, in his most noble and eloquent address, given this conference a lead. He has even provided it, if I may so say, with a motto, in some of the last words which he spoke: simplicity, honesty, honor.

You, Mr. Secretary, have just appealed to us to organize our proceedings; but neither can we follow the advice of the President of the United States nor can we carry

out the recommendations of the Secretary of State unless we have, to begin with, a chairman who shall preside over our proceedings.

There is a well understood rule, practiced, so far as I know, universally, that the nation which invites the conference, the nation which offers that conference hospitality, should also provide it with its chairman and presiding genius. That rule, I take it, would under any circumstances be followed on the present occasion. But, if I may say so in his presence, I think that the Secretary of State has not only these technical rights to our allegiance, but he also has personal qualifications which specially fit him to carry out the great and responsible duties which will fall to his lot. (*Applause.*) The capacity, character, courtesy, experience, all the great qualities required in a chairman presiding over a great assembly are his. I therefore feel that I am not exceeding my privileges if I venture, on behalf of my colleagues around this table, to say that, without going through the vain and empty formality of a resolution and a vote, we ask you, Mr. Secretary, to take the chair now and hereafter whenever this Conference meets as on the present occasion and also at every committee of which you, Mr. Secretary, may be a member.

If, as I doubt not, in the words that I have spoken I have carried with me the unanimous and hearty sympathy of every gentleman around this table whom I am addressing, you may perhaps consider that I am endowed with sufficient authority to ask you now and here to take the chair and preside over all our future proceedings. (*Applause.*)

MR. HUGHES (*speaking in English*): Gentlemen, it is with a deep sense of privilege and responsibility that I accept the honor you have conferred.

Permit me to express the most cordial appreciation of the assurances of friendly cooperation which have been generously expressed by the representatives of all the invited Governments. The earnest desire and purpose, manifested in every step in the approach to this meeting, that we should meet the reasonable expectation of a watching world by effective action suited to the opportunity is the best augury for the success of the Conference.

The President invited the Governments of the British Empire, France, Italy, and Japan to participate in a conference on the subject of limitation of armament, in connection with which Pacific and Far Eastern questions would also be discussed. It would have been most agreeable to the President to have invited all the Powers to take part in this Conference, but it was thought to be a time when other considerations should yield to the practical requirements of the existing exigency, and in this view the invitation was extended to the group known as the Principal Allied and Associated Powers, which, by reason of the conditions produced by the war, control in

the main the armament of the world. The opportunity to limit armament lies within their grasp.

It is recognized, however, that the interests of other Powers in the Far East made it appropriate that they should be invited to participate in the discussion of Pacific and Far Eastern problems, and, with the approval of the five Powers, an invitation to take part in the discussion of those questions has been extended to Belgium, China, the Netherlands, and Portugal.

The inclusion of the proposal for the discussion of Pacific and Far Eastern questions was not for the purpose of embarrassing or delaying an agreement for limitation of armament, but rather to support that undertaking by availing ourselves of this meeting to endeavor to reach a common understanding as to the principles and policies to be followed in the Far East and thus greatly to diminish, and if possible wholly to remove, discernible sources of controversy. It is believed that by interchanges of views at this opportune time the Governments represented here may find a basis of accord and thus give expression to their desire to assure enduring friendship.

In the public discussions which have preceded the Conference, there have been apparently two competing views: one, that the consideration of armament should await the result of the discussion of Far Eastern questions, and another, that the latter discussion should be postponed until an agreement for limitation of armament has been reached. I am unable to find sufficient reason for adopting either of these extreme views. I think that it would be most unfortunate if we should disappoint the hopes which have attached to this meeting by a postponement of the consideration of the first subject. The world looks to this Conference to relieve humanity of the crushing burden created by competition in armament, and it is the view of the American Government that we should meet that expectation without any unnecessary delay. (*Applause.*) It is, therefore, proposed that the Conference should proceed at once to consider the question of the limitation of armament.

This, however, does not mean that we must postpone the examination of Far Eastern questions. These questions, of vast importance, press for solution. It is hoped that immediate provision may be made to deal with them adequately, and it is suggested that it may be found to be entirely practicable through the distribution of the work among designated committees to make progress to the ends sought to be achieved without either subject being treated as a hindrance to the proper consideration and disposition of the other.

The proposal to limit armament by an agreement of the Powers is not a new one, and we are admonished by the futility of earlier efforts. It may be well to recall the noble aspirations which were voiced twenty-three

years ago in the imperial rescript of His Majesty the Emperor of Russia. It was then pointed out with clarity and emphasis that "The intellectual and physical strength of the nations, labor and capital, are for the major part diverted from their natural applications and unproductively consumed. Hundreds of millions are devoted to acquiring terrible engines of destruction, which, though to-day regarded as the last word of science, are destined to-morrow to lose all value in consequence of some fresh discovery in the same field. National culture, economic progress, and the production of wealth are either paralyzed or checked in their development. Moreover, in proportion as the armaments of each Power increase, so do they less and less fulfill the object which the Governments have set before themselves. The economic crises, due in great part to the system of armaments *à outrance* and the continual danger which lies in this massing of war materials, are transforming the armed peace of our days into a crushing burden, which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of things were prolonged it would inevitably lead to the calamity which it is desired to avert, and the horrors of which make every thinking man shudder in advance. To put an end to these incessant armaments and to seek the means of warding off the calamities which are threatening the whole world—such is the supreme duty which is today imposed on all States."

It was with this sense of obligation that His Majesty the Emperor of Russia proposed the Conference, which was "to occupy itself with this grave problem" and which met at The Hague in the year 1899. Important as were the deliberations and conclusions of that Conference, especially with respect to the pacific settlement of international disputes, its result in the specific matter of limitation of armament went no further than the adoption of a final resolution setting forth the opinion "that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind," and the utterance of the wish that the governments "may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets."

It was seven years later that the Secretary of State of the United States, Mr. Elihu Root, in answering a note of the Russian Ambassador suggesting in outline a program of the Second Peace Conference, said: "The Government of the United States, therefore, feels it to be its duty to reserve for itself the liberty to propose to the Second Peace Conference, as one of the subjects for consideration, the reduction or limitation of armaments, in the hope that, if nothing further can be accomplished, some slight advance may be made toward the realization of the lofty

conception which actuated the Emperor of Russia in calling the First Conference." It is significant that the Imperial German Government expressed itself as "absolutely opposed to the question of disarmament" and that the Emperor of Germany threatened to decline to send delegates if the subject of disarmament was to be discussed. In view, however, of the resolution which had been adopted at the First Hague Conference, the delegates of the United States were instructed that the subject of limitation of armament "should be regarded as unfinished business, and that the Second Conference should ascertain and give full consideration to the results of such examination as the Governments may have given to the possibility of an agreement pursuant to the wish expressed by the First Conference." But by reason of the obstacles which the subject had encountered, the Second Peace Conference at The Hague, although it made notable progress in provision for the peaceful settlement of controversies, was unable to deal with limitation of armament except by a resolution in the following general terms: "The Conference confirms the resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question."

This was the fruition of the efforts of eight years. Although the effect was clearly perceived, the race in preparation of armament, wholly unaffected by these futile suggestions, went on until it fittingly culminated in the greatest war of history; and we are now suffering from the unparalleled loss of life, the destruction of hopes, the economic dislocations and the widespread impoverishment which measure the cost of the victory over the brutal pretensions of military force.

But if we are warned by the inadequacy of earlier endeavors for limitation of armament, we cannot fail to recognize the extraordinary opportunity now presented. We not only have the lessons of the past to guide us, not only do we have the reaction from the disillusioning experiences of war, but we must meet the challenge of imperative economic demands. What was convenient or highly desirable before is now a matter of vital necessity. If there is to be economic rehabilitation, if the longings for reasonable progress are not to be denied, if we are to be spared the uprisings of peoples made desperate in the desire to shake off burdens no longer endurable, competition in armament must stop. (*Great applause.*) The present opportunity not only derives its advantage from a general appreciation of this fact, but the power to deal with the exigency now rests with a small group of nations, represented here, who have every reason to

desire peace and to promote amity. The astounding ambition which lay athwart the promise of the Second Hague Conference no longer menaces the world, and the great opportunity of liberty-loving and peace-preserving democracies has come. Is it not plain that the time has passed for mere resolutions, that the responsible Powers should examine the question of limitation of armament? We can no longer content ourselves with investigations, with statistics, with reports, with the circumlocution of inquiry. The essential facts are sufficiently known. The time has come, and this Conference has been called, not for general resolutions or mutual advice, but for action. (*Applause.*) We meet with full understanding that the aspirations of mankind are not to be defeated either by plausible suggestions of postponement or by impracticable counsels of perfection. Power and responsibility are here and the world awaits a practicable program which shall at once be put into execution.

I am confident that I shall have your approval in suggesting that in this matter, as well as in others before the Conference, it is desirable to follow the course of procedure which has the best promise of achievement rather than one which would facilitate division; and thus, constantly aiming to agree so far as possible, we shall, with each point of agreement, make it easier to proceed to others.

The question, in relation to armament, which may be regarded as of primary importance at this time, and with which we can deal most promptly and effectively, is the limitation of naval armament. There are certain general considerations which may be deemed pertinent to this subject.

The first is that the core of the difficulty is to be found in the competition in naval programs, and that, in order appropriately to limit naval armament, competition in its production must be abandoned. Competition will not be remedied by resolves with respect to the method of its continuance. One program inevitably leads to another, and if competition continues, its regulation is impracticable. There is only one adequate way out and that is to end it now. (*Applause.*)

It is apparent that this can not be accomplished without serious sacrifices. Enormous sums have been expended upon ships under construction and building programs which are now under way can not be given up without heavy loss. Yet, if the present construction of capital ships goes forward, other ships will inevitably be built to rival them and this will lead to still others. Thus the race will continue so long as ability to continue lasts. The effort to escape sacrifices is futile. We must face them or yield our purpose.

It is also clear that no one of the naval Powers should be expected to make these sacrifices alone. (*Applause.*)



The only hope of limitation of naval armament is by agreement among the nations concerned, and this agreement should be entirely fair and reasonable in the extent of the sacrifices required of each of the Powers. In considering the basis of such an agreement and the commensurate sacrifices to be required, it is necessary to have regard to the existing naval strength of the great naval Powers, including the extent of construction already effected in the case of ships in process. This follows from the fact that one nation is as free to compete as another, and each may find grounds for its action. What one may do another may demand the opportunity to rival, and we remain in the thrall of competitive effort. I may add that the American delegates are advised by their naval experts that the tonnage of capital ships may fairly be taken to measure the relative strength of navies, as the provision for auxiliary combatant craft should sustain a reasonable relation to the capital ship tonnage allowed.

It would also seem to be a vital part of a plan for the limitation of naval armament that there should be a naval holiday. It is proposed that for a period of not less than ten years there should be no further construction of capital ships. (*Applause.*)

I am happy to say that I am at liberty to go beyond these general propositions, and, on behalf of the American delegation acting under the instructions of the President of the United States, to submit to you a concrete proposition for an agreement for the limitation of naval armament. (*Applause.*)

It should be added that this proposal immediately concerns the British Empire, Japan, and the United States. In view of the extraordinary conditions due to the World War affecting the existing strength of the navies of France and Italy, it is not thought to be necessary to discuss at this stage of the proceedings the tonnage allowance of these nations, but the United States proposes that this matter be reserved for the later consideration of the Conference.

In making the present proposal the United States is most solicitous to deal with the question upon an entirely reasonable and practicable basis, to the end that the just interests of all shall be adequately guarded and that national security and defense shall be maintained. Four general principles have been applied:

- (1) That all capital ship building programs, either actual or projected, should be abandoned;
- (2) That further reduction should be made through the scrapping of certain of the older ships;
- (3) That, in general, regard should be had to the existing naval strength of the Powers concerned;
- (4) That the capital ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

The principal features of the proposed agreement are as follows:

#### CAPITAL SHIPS.

##### *United States:*

The United States is now completing its program of 1916 calling for 10 new battleships and 6 battle cruisers.

One battleship has been completed. The others are in various stages of construction; in some cases from 60 to over 80 per cent of the construction has been done. On these 15 capital ships now being built over \$330,000,000 have been spent. Still, the United States is willing in the interest of an immediate limitation of naval armament to scrap all these ships.

The United States proposes, if this plan is accepted—

(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in course of building, and 2 battleships launched.

The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. Their total tonnage is 227,740 tons.

Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons.

##### *Great Britain:*

The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with the action on the part of the United States.

It is proposed that Great Britain—

(1) Shall stop further construction of the 4 new *Hoods*, the new capital ships not laid down but upon which money has been spent. These 4 ships, if completed, would have tonnage displacement of 172,000 tons.

(2) Shall, in addition, scrap her predreadnaughts, second-line battleships, and first-line battleships up to but not including the *King George V* class.

These, with certain predreadnaughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the 4 *Hoods*, if completed) would be 583,375 tons.

##### *Japan:*

It is proposed that Japan—

(1) Shall abandon her program of ships not yet laid down, viz., the *Kii*, *Owari*, No. 7 and No. 8, battleships, and Nos. 5, 6, 7, and 8, battle cruisers.

It should be observed that this idea does not involve the stopping of construction, as the construction of none of these ships has been begun.

(2) Shall scrap 3 capital ships: the *Mutsu* launched, the *Tosa* and *Kaga* in course of building; and 4 battle-cruisers: the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao* not yet laid down but for which certain material has been assembled.

The total number of new capital ships to be scrapped under this paragraph is seven. The total tonnage of these new capital ships when completed would be 289,100 tons.

(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

The total reduction of tonnage on vessels existing, laid down, or for which material has been assembled (taking the tonnage of the new ships when completed), would be 448, 928 tons.

*The three Powers:*

Thus, under this plan there would be immediately destroyed, of the navies of the three Powers, 66 capital fighting ships, built and building, with a total tonnage of 1,878,043.

It is proposed that it should be agreed by the United States, Great Britain, and Japan that their navies, with respect to capital ships, within three months after the making of the agreement shall consist of certain ships designated in the proposal and numbering for the United States 18, for Great Britain 22, for Japan 10.

The tonnage of these ships would be as follows: of the United States, 500,650, of Great Britain, 604,450; of Japan, 299,700. In reaching this result, the age factor in the case of the respective navies has received appropriate consideration.

*Replacement:*

With respect to replacement, the United States proposes—

(1) That it be agreed that the first replacement tonnage shall not be laid down until 10 years from the date of the agreement;

(2) That replacement be limited by an agreed maximum of capital ship tonnage as follows:

For the United States.....	500,000 tons.
For Great Britain.....	500,000 tons.
For Japan.....	300,000 tons.

(3) That, subject to the 10-year limitation above fixed and the maximum standard, capital ships may be replaced when they are 20 years old by new capital ship construction;

(4) That no capital ship shall be built in replacement with a tonnage displacement of more than 35,000 tons.

I have sketched the proposal only in outline, leaving the technical details to be supplied by the formal proposition which is ready for submission to the delegates.<sup>1</sup>

The plan includes provision for the limitation of auxiliary combatant craft. This term embraces three classes; that is: (1) auxiliary surface combatant craft, such as cruisers (exclusive of battle cruisers), flotilla leaders, destroyers, and various surface types; (2) submarines; and (3) airplane carriers.

I shall not attempt to review the proposals for these various classes, as they bear a definite relation to the provisions for capital fighting ships.

With the acceptance of this plan the burden of meeting the demands of competition in naval armament will be lifted. Enormous sums will be released to aid the progress of civilization. At the same time the proper demands of national defense will be adequately met and the nations will have ample opportunity during the naval holiday of 10 years to consider their future course. Preparation for offensive naval war will stop now. (*Great applause.*)

I shall not attempt at this time to take up the other topics which have been listed upon the tentative agenda proposed in anticipation of the Conference.

As in the case of the address given by the President, as copies in both French and English will be available for distribution, may I ask if it is agreeable that the translation into French may be dispensed with?

MR. BRIAND (*speaking in French*): With great pleasure.

THE CHAIRMAN (*speaking in English*): I suggest that the Conference now proceed to the election of a Secretary General, and I propose, for the purpose, the Honorable John W. Garrett. (*After a pause*): I understand that the selection of Mr. Garrett as Secretary General is agreed to by the delegates. (*Applause.*)

I take the liberty of suggesting that the heads of missions of the five great Powers, or such representative as each Power may respectively select for the purpose, should constitute a committee on program and procedure with respect to the questions relating to limitation of armament. Is that agreeable to the delegates? (*After a pause*): That suggestion is accepted, and the heads of the delegations of the five Powers, or such representatives as each Power respectively may designate for the purpose, will constitute a committee on program and procedure with respect to the subject of limitation of armament.

I also suggest that the heads of missions of the five Powers, and of the other Powers who have been invited

<sup>1</sup> This proposition is printed in full, *infra*.

to take part in the discussion of Pacific and Far Eastern questions, or such representatives as such Powers may respectively designate for the purpose, shall constitute a committee on program and procedure for the discussion of Pacific and Far Eastern questions. Is that agreeable to the delegates? (*After a pause*): I understand that that suggestion is acceptable to all the delegates. The heads of the missions representative of the nine Powers, as suggested, will constitute the committee on program and procedure with relation to the subject of Pacific and Far Eastern problems.

It is suggested that upon the adjournment of the session to-day, the credentials of the delegates may be left with the Secretary General. If there is no further business which it is desired to transact at this session of the Conference, and it is entirely agreeable to the delegations, a motion to adjourn until Tuesday at 11 o'clock at this place will be in order.

(*Insistent calls from the audience: "Briand!"*)

MR. BRIAND (*speaking in French*): Mr. Chairman, Gentlemen:

When my country received the invitation from the President of the Republic of the United States to be represented at this Conference, it promptly replied, "Present!" In so doing, France was actuated primarily by the sentiments of gratitude, henceforth imperishable, which exist between my country and the Republic of the United States; she was likewise prompted by her own aspirations for peace and her ardent desire to join in every act that might assure, strengthen, and, in so far as possible, render it final.

When we were facing the gravest dangers; when, in a terrible war which she had not provoked, France was staggering under the blows; when her life and liberty, with which I may say the liberty of the entire world was bound up, were being threatened, the great Republic of the United States unhesitatingly sent millions of men overseas to take their places at our side on the field of battle. With our other allies, she has powerfully contributed to safeguard the independence and the life of my country.

Having won the war together, we could not turn a deaf ear to a summons to contribute our efforts to an endeavor to secure a lasting peace. In this Conference, France occupies a special position which our friends of America have been good enough to recognize; but, however burdensome may be the anxieties which continue to weigh upon her, however alarming may still be the dangers surrounding her, France wishes with all her might, with all her heart, to work out with you the means of limiting costly armaments. In this respect she has already accomplished much; we shall have occasion, during the course of this Conference, to make

known our efforts in this direction. But she is disposed to continue along this line to the very end.

At no period of their history have the people of France been inspired by sentiments of imperialism or conquest. For fifty years France has remained faithful to peace, and, despite the cruel wound she carried in her side, inflicted under flagrant conditions of injustice which you know well, in all circumstances she has turned a deaf ear to every challenge, to every provocation; and each time that it has been possible for her to insure peace through arbitration she has generously offered to do so.

On the morrow of a terrible struggle—and France knows better than any other nation what it costs to carry on such a war, for she has seen on her soil the dreadful tragedy of allied peoples shedding their blood upon the same battlefield—I believe I can say that she feels, more than any other country, the horror of war and the love of peace.

If she is afforded the opportunity of obtaining the security which she has the right to demand, in order that peace may be assured, and if at the same time she is called upon to sacrifice some of her armament in order to secure that peace, France is ready to consent to these sacrifices. This is a question which we will take up with our friends in the Conference. Face to face, we will talk to each other with open hearts; we will make known our respective positions; we will state what we have done to lessen the military burden which weighs so heavily upon the peoples of the world. France is here for that. I thank you for having invited her. That is proof that you have not doubted her sentiments and that, in spite of certain poisonous propaganda, you have never believed she was the enemy of peace. She has defended her liberty; the traditions of her past permit me to say that she has defended the liberty of the world. But if tomorrow her safety be assured, France is ready to say: "Arms down!" (*Applause.*)

THE CHAIRMAN (*speaking in English*): May we have the pleasure of hearing from the Japanese Delegation?

PRINCE TOKUGAWA (*speaking in English*): With your permission I shall say a few words.

The Japanese Delegation is happy to feel that the Presidency of this important Conference has now been placed in the hands of a statesman who enjoys the respect and confidence of the whole civilized world.

All humanity is interested in the great purpose for which this meeting has been called. We are here to compose difficulties, not to create them. We mean seriously to promote true and honest friendship among nations, not to impair it. (*Applause.*) We propose, not to prescribe terms or to dictate a constitution to a doubting world, but to carry out the plain dictates of common sense. (*Applause.*)

The world needs peace. It calls for political and economic stability. And to cooperate with the Powers here so worthily represented for the accomplishment of such a lofty end, under the guidance of the distinguished Presiding Officer, will be for Japan a source of greatest pleasure. (*Applause.*)

THE CHAIRMAN: Before we shall have the pleasure of listening to Senator Schanzer for the Italian Government, will you permit the interpreter to present in French the very excellent remarks of the representative of Japan?

Senator Schanzer, of Italy, we should like to hear from you.

SENATOR SCHANZER (*speaking in English*): Mr. Chairman and Gentlemen of the Conference:

May I be allowed to express in the name of the Italian Delegation the sentiments of great pleasure and satisfaction with which we have listened to the noble speech of the Chief of this great Republic and to the highly interesting and most important statements made by yourself, Mr. Chairman?

We have heard the voice of a great people appealing to the other peoples for a work of civilization and human progress. I am happy to state that Italy can accept without reservation the great lines of your program and the spirit by which it is inspired. The convocation of the Conference, which has in view the high ideal of creating a solid foundation for the maintenance of peace in the world, has found in Italy the most favorable and sympathetic reception.

Italy did not provoke the war, but entered the war when justice and historical necessity required it. She fought strenuously by the side of the allied and associated nations to victory, notwithstanding the most cruel sacrifice of life and wealth. To-day Italy is one of the very first elements of peace. She has nothing to ask of anybody and nothing to fear. She has no reason for conflict with other peoples, and wishes only to proceed along the way of her economic and financial reconstruction, in harmony with the interests of other nations and safeguarding the prestige of the Italian name in the world.

Italy has no imperialistic aspirations of any kind, even though she is conscious of her glorious past and of her mission of civilization for the future. Owing to her traditions, to the political doctrines of her most eminent writers and thinkers and to the mental and moral character of her people, Italy feels capable of cooperating and stands ready to cooperate loyally and effectively toward the realization of the ideals which you, Mr. Chairman, propose to attain in this Conference, and to make her contribution to whatever measures may be considered useful to guarantee the world against the dangers of war.

No war, no matter how far removed from our boundaries, can leave us indifferent, either for ethical reasons or for economic reasons. A new war would be even

more frightful than the great war from which we have just emerged. And a new war, in whatever part of the world, would be an unparalleled economic disaster for all peoples. The economic consequences of such a war on industries and food supplies of all countries, even those not belligerents, might mean the unemployment of millions upon millions of men, the misery and hunger of entire populations. We are, therefore, strongly in favor of putting an end to the competition of armaments—in which lies the greatest danger of war—and we have clearly expressed ourselves to that effect in the past. In fact, we have done more than this, by actually reducing our land and navy armaments in the greatest possible measure, without waiting for international agreements.

The history of the United States for the last fifty years offers to other peoples a great example of the possibility of maintaining permanent peace among millions and millions of men gathered into numerous sovereign states and spread over a vast territory which is in itself an entire world. It offers an example of the wisdom of aspiring to an international order in which conflicts are settled through the peaceful means of discussion and of right, rather than through violence.

Yesterday we honored the remains of the American Unknown Soldier. If, as we firmly believe, the Conference will attain favorable results, the brave American soldiers and their innumerable companions in glory from the allied nations who fell for liberty and justice will not have given their noble blood in vain.

Mr. Chairman, you know the traditional sentiments of sincere friendship and admiration of the Italian people for the great American people and for you. We bring to you the respectful and cordial greetings of Italy and of the Italian Government and the most fervent good wishes for the success of the Conference.

In conclusion, I will assure you that Italy will not be second to any other nation in working with diligence and faith to the end that the purpose which inspires you to call us to this solemn assembly may achieve a full triumph. We desire to work energetically and rapidly, but we do not feel at all impatient and are ready to remain here as long as is necessary for the accomplishment of our common task in the interest of the countries here represented and of the entire human race, anxious as it is for peace, security, and civil progress. (*Applause.*)

THE CHAIRMAN (*speaking in English*): I am sure that I may speak for all the delegates in saying that it would give us the greatest pleasure to hear from the representatives of the Powers that have been invited to take part in a participation of the discussion of Far Eastern problems, and first to hear from the representative of the King of the Belgians. (*Applause.*)



BARON DE CARTIER (*speaking in English*): Mr. Chairman, my words will be few and brief. Belgium with all her heart is in favor of the adoption of all measures that tend to insure the blessings of peace—but peace with honor. (*Applause.*)

THE CHAIRMAN (*speaking in English*): May we hear from the representative of the Republic of China?

MR. SZE (*speaking in English*): Mr. Chairman and Gentlemen:

The Chinese Government desires to record its gratification that this meeting of the nations has been called. It is convinced that the present is an auspicious time for bringing into accord the political and economic interests of the Powers in the Pacific. That the invitation to participate in this gathering should have come from the great American nation and that the sessions are to be held in its capital city, is a source of additional gratification to the Chinese people. They and their Government will cordially cooperate in bringing to successful conclusion the work of the Conference.

We are all anxious that results beneficial to the world shall crown the work of this Conference. Mr. Chairman, with you guiding the meetings of the Conference, we feel confident that this end will be reached. (*Applause.*)

THE CHAIRMAN (*speaking in English*): May we now have the pleasure of hearing from the representative of The Netherlands?

JONKHEER VAN KARNEBEEK (*speaking in English*): Mr. Secretary, I am glad to have the honor to say a few words, because I want to take this opportunity to thank the American Government in the name of the Dutch people for the invitation which has been extended to my Government, the Government of which I have the honor of being a member, to participate in the deliberations of this Conference on the subject of Pacific questions. My country is conscious of the honor which the United States has done her and we have appreciated it very much. We have also understood the limitation which the invitation contains. Holland is no longer a military factor in the world's politics and it does not pretend to be. It is a country where the two great peace conferences of 1899 and 1907 have been held, and although we feel that the well-known words which are written under the coat-of-arms of the House of Orange, "I will maintain," apply equally to our colonial empire, this country has always been making for peace and international cooperation, and I can assure you, Mr. Chairman, that if there is a country where the hearts of the people now beat not only with hope but also with confidence, it is Holland.

As to the Pacific questions, Mr. Secretary, we have been for more than three centuries in the Pacific, and to-day still exercise in those regions territorial and sov-

ereign rights over an extensive area and fifty millions of people, and have the responsibility for their welfare. It is enough to show you, Mr. Secretary, the depth of the interest we have in these deliberations. Now, if in a modest way, by suggestion or any other fitting method, we can be of use to this Conference, we shall be glad to do so. And let me now tell you in terminating that the heart and spirit of my country are open to the great initiative of the United States of America; and that my country will be happy if we succeed in bringing about great and fruitful results which Holland will gladly support. (*Applause.*)

THE CHAIRMAN (*speaking in English*): May we now hear from the representative of Portugal?

VISCOUNT D' ALTE (*speaking in English*): Mr. Chairman and Members of the Conference:

I can say no more than to express the deep sympathy that the nation I represent has in the laudable objects that have brought this Conference together. There is but one foe to the full achievement of these objects: national egotism. Should national egotism tend to lead us astray, let us remember that great as is the power of the governments of the world that we represent, far greater still is that of the submerged millions whose every feeling was outraged by the intolerable anguish suffered during the great war, and who will call us strictly to account should we fail through our deliberations to lead them at least one step nearer to a state of enduring peace.

THE CHAIRMAN (*speaking in English*): What is your further pleasure, gentlemen?

SENATOR LODGE (*speaking in English*): Mr. Chairman, I move that the Conference do now adjourn until Tuesday at eleven o'clock in this hall.

THE CHAIRMAN (*speaking in English*): Is that agreeable to the delegates? (*After a pause*): I hear no dissent. The meeting stands adjourned until Tuesday, November 15, at 11 o'clock, in this hall.

Accordingly, at 12:25 o'clock p. m., the Conference adjourned until Tuesday, November 15, 1921, at 11 o'clock a. m.

## THE PROPOSAL OF THE UNITED STATES FOR A LIMITATION OF NAVAL ARMAMENT.

PRESENTED WITH THE ADDRESS OF CHARLES E. HUGHES,  
SECRETARY OF STATE OF THE UNITED STATES  
AND AMERICAN DELEGATE.

The United States proposes the following plan for a limitation of the naval armament of the conferring nations. The United States believes that this plan safely guards the interests of all concerned.

In working out this proposal the United States has been guided by four general principles:

(A) The elimination of all capital ship building programs, either actual or projected.

(B) Further reduction through the scrapping of certain of the older ships.

(C) That regard should be had to the existing naval strength of the conferring powers.

(D) The use of capital ship tonnage as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

### CAPITAL SHIPS.

#### UNITED STATES.

1. The United States to scrap all new capital ships now under construction and on their way to completion. This includes 6 battle cruisers and 7 battleships on the ways and building and 2 battleships launched.

NOTE.—Paragraph 1 involves a reduction of 15 new capital ships under construction, with a total tonnage when completed of 618,000 tons. Total amount of money already spent on 15 capital ships, \$332,000,000.

2. The United States to scrap all battleships up to, but not including, the *Delaware* and *North Dakota*.

NOTE.—The number of old battleships scrapped under paragraph 2 is 15; their total tonnage is 227,740 tons. The grand total of capital ships to be scrapped is 30, aggregating 845,740 tons.

## GREAT BRITAIN.

3. Great Britain to stop further construction of the 4 new *Hoods*.

NOTE.—Paragraph 3 involves a reduction of 4 new capital ships not yet laid down, but upon which money has been spent, with a total tonnage when completed of 172,000 tons.

4. In addition to the 4 *Hoods*, Great Britain to scrap her predreadnaughts, second-line battleships, and first-line battleships up to but not including the *King George V* class.

NOTE.—Paragraph 4 involves the disposition of 19 capital ships (certain of which have already been scrapped) with a tonnage reduction of 411,375 tons. The grand total of ships scrapped under this agreement will be 583,375 tons.

## JAPAN.

5. Japan to abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, No. 7, No. 8, battleships, and Nos. 5, 6, 7, and 8, battle cruisers.

NOTE.—Paragraph 5 does not involve the stopping of construction on any ship upon which construction has begun.

6. Japan to scrap 3 battleships: the *Mutsu* launched, the *Tosa* and *Kaga* building; and 4 battle cruisers: the *Amagi* and *Akagi* building, and the *Atago* and *Takao* not yet laid down but for which certain material has been assembled.

NOTE.—Paragraph 6 involves a reduction of 7 new capital ships under construction, with a total tonnage when completed of 289,100 tons.

7. Japan to scrap all predreadnaughts and capital ships of the second line. This to include the scrapping of all ships up to but not including the *Settsu*.

NOTE.—Paragraph 7 involves the scrapping of 10 older ships with a total tonnage of 159,828 tons. The grand total reduction of tonnage on vessels existing, laid down, or for which material has been assembled is 448,928 tons.

## FRANCE AND ITALY.

8. In view of certain extraordinary conditions due to the World War affecting the existing strengths of the navies of France and Italy, the United States does not consider necessary the discussion at this stage of the proceedings of the tonnage allowance of these nations, but proposes it be reserved for the later consideration of the Conference.

## OTHER NEW CONSTRUCTION.

9. No other new capital ships shall be constructed during the period of this agreement except replacement tonnage as provided hereinafter.

10. If the terms of this proposal are agreed to then the United States, Great Britain, and Japan agree that their navies, three months after the making of this agreement, shall consist of the following capital ships:

*List of capital ships.*

United States.	Great Britain.	Japan.
Maryland.	Royal Sovereign.	Nagato.
California.	Royal Oak.	Hiuga.
Tennessee.	Resolution.	Ise.
Idaho.	Bamillies.	Yamashiro.
Mississippi.	Revenge.	Fu-So.
New Mexico.	Queen Elizabeth.	Settsu.
Arizona.	Warspite.	Kirishima.
Pennsylvania.	Valiant.	Haruna.
Oklahoma.	Barham.	Hi-Yei.
Nevada.	Malaya.	Kongo.
Texas.	Benbow.	
New York	Emperor of India.	
Arkansas.	Iron Duke.	
Wyoming.	Marlborough.	
Utah.	Erin.	
Florida.	King George V.	
North Dakota.	Centurion.	
Delaware.	Ajax.	
	Hood.	
	Renown.	
	Repulse.	
	Tiger.	
Total..... 18	22	10
Total tonnage.. 500, 650	604, 450	299, 700

## DISPOSITION OF OLD AND NEW CONSTRUCTION.

11. Capital ships shall be disposed of in accordance with methods to be agreed upon.

## REPLACEMENTS.

12. (a) The tonnage basis for capital ship replacement under this proposal to be as follows:

United States.....	500,000 tons.
Great Britain.....	500,000 tons.
Japan.....	300,000 tons.

(b) Capital ships 20 years from date of completion may be replaced by new capital ship construction, but the keels of such new construction shall not be laid until the tonnage which it is to replace is 17 years of age from date of completion. Provided, however, that the first replacement tonnage shall not be laid down until 10 years from the date of the signing of this agreement.

(c) The scrapping of capital ships replaced by new construction shall be undertaken not later than the date of completion of the new construction and shall be completed within three months of the date of completion of new construction; or if the date of completion of new construction be delayed, then within four years of the laying of the keels of such new construction.

(d) No capital ships shall be laid down during the term of this agreement whose tonnage displacement exceeds 35,000 tons.

(e) The same rules for determining tonnage of capital ships shall apply to the ships of each of the Powers party to this agreement.

(f) Each of the Powers party to this agreement agrees to inform promptly all of the other Powers party to this agreement concerning:

- (1) The names of the capital ships to be replaced by new construction;
- (2) The date of authorization of replacement tonnage;
- (3) The dates of laying the keels of replacement tonnage;
- (4) The displacement tonnage of each new ship to be laid down;
- (5) The actual date of completion of each new ship;
- (6) The fact and date of the scrapping of ships replaced.

(g) No fabricated parts of capital ships, including parts of hulls, engines, and ordnance, shall be constructed previous to the date of authorization of replacement tonnage. A list of such parts will be furnished all Powers party to this agreement.

(h) In case of the loss or accidental destruction of capital ships they may be replaced by new capital ship construction in conformity with the foregoing rules.

### AUXILIARY COMBATANT CRAFT.

13. In treating this subject auxiliary combatant craft have been divided into three classes:

- (a) Auxiliary surface combatant craft.
- (b) Submarines.
- (c) Airplane carriers and aircraft.

#### (a) AUXILIARY SURFACE COMBATANT CRAFT.

14. The term auxiliary surface combatant craft includes cruisers (exclusive of battle cruisers), flotilla leaders, destroyers, and all other surface types except those specifically exempted in the following paragraph.

15. Existing monitors, unarmored surface craft, as specified in paragraph 16, under 3,000 tons, fuel ships, supply ships, tenders, repair ships, tugs, mine sweepers, and vessels readily convertible from merchant vessels are exempt from the terms of this agreement.

16. No new auxiliary combatant craft may be built exempt from this agreement regarding limitation of naval armaments that exceed 3,000 tons displacement and 15 knots speed, and carry more than four 5-inch guns.

17. It is proposed that the total tonnage of cruisers, flotilla leaders, and destroyers allowed each Power shall be as follows:

For the United States.....	450,000 tons.
For Great Britain.....	450,000 tons.
For Japan.....	270,000 tons.

Provided, however, that no Power party to this agreement whose total tonnage in auxiliary surface combatant craft on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of auxiliary combatant craft for each nation shall be reduced to the prescribed allowance as herein stated.

#### *Limitation of new construction.*

18. (a) All auxiliary surface combatant craft whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new construction in auxiliary surface combatant craft except replacement tonnage as provided hereinafter shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the auxiliary surface combatant craft tonnage allowances hereinbefore stated may construct tonnage up to the limit of their allowance.

#### *Scrapping of old construction.*

19. Auxiliary surface combatant craft shall be scrapped in accordance with methods to be agreed upon.

## (b) SUBMARINES.

20. It is proposed that the total tonnage of submarines allowed each Power shall be as follows:

For the United States.....	90,000 tons
For Great Britain.....	90,000 tons
For Japan.....	54,000 tons

Provided, however, that no Power party to this agreement whose total tonnage in submarines on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of submarines for each nation shall be reduced to the prescribed allowance as herein stated.

*Limitation of new construction.*

21. (a) All submarines whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new submarine tonnage except replacement tonnage as provided hereinafter shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the submarine tonnage allowance hereinbefore stated may construct tonnage up to the limit of their allowance.

*Scrapping of old construction.*

22. Submarines shall be scrapped in accordance with methods to be agreed upon.

## (c) AIRPLANE CARRIERS AND AIRCRAFT.

## AIRPLANE CARRIERS.

23. It is proposed that the total tonnage of airplane carriers allowed each Power shall be as follows:

United States.....	80,000 tons
Great Britain.....	80,000 tons
Japan.....	48,000 tons

Provided, however, that no Power party to this agreement whose total tonnage in airplane carriers on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage until replacements begin, at which time the total tonnage of airplane carriers for each nation shall be reduced to the prescribed allowance as herein stated.



*Limitation of new construction.*

24. (a) All airplane carriers whose keels have been laid down by November 11, 1921, may be carried to completion.

(b) No new airplane carrier tonnage except replacement tonnage as provided herein shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the airplane carrier tonnage hereinbefore stated may construct tonnage up to the limit of their allowance.

*Scrapping of old construction.*

25. Airplane carriers shall be scrapped in accordance with methods to be agreed upon.

**AUXILIARY COMBATANT CRAFT.****REPLACEMENTS.**

26. (a) Cruisers 17 years of age from date of completion may be replaced by new construction. The keels for such new construction shall not be laid until the tonnage it is intended to replace is 15 years of age from date of completion.

(b) Destroyers and flotilla leaders 12 years of age from date of completion may be replaced by new construction. The keels of such new construction shall not be laid until the tonnage it is intended to replace is 11 years of age from date of completion.

(c) Submarines 12 years of age from date of completion may be replaced by new submarine construction, but the keels of such new construction shall not be laid until the tonnage which the new tonnage is to replace is 11 years of age from date of completion.

(d) Airplane carriers 20 years of age from date of completion may be replaced by new airplane carrier construction, but the keels of such new construction shall not be laid until the tonnage which it is to replace is 17 years of age from date of completion.

(e) No surface vessel carrying guns of caliber greater than 8 inches shall be laid down as replacement tonnage for auxiliary combatant surface craft.

(f) The same rules for determining tonnage of auxiliary combatant craft shall apply to the ships of each of the Powers party to this agreement.

(g) The scrapping of ships replaced by new construction shall be undertaken not later than the date of completion of the new construction and shall be completed within three months of the date of completion of the new construction, or, if the completion of new tonnage is delayed, then within 4 years of the laying of the keels of such new construction.

(h) Each of the Powers party to this agreement agrees to inform all of the other Powers party to this agreement concerning:

- (1) The names or numbers of the ships to be replaced by new construction;
- (2) The date of authorization of replacement tonnage;
- (3) The dates of laying the keels of replacement tonnage;
- (4) The displacement tonnage of each new ship to be laid down;
- (5) The actual date of completion of each new ship;
- (6) The fact and date of the scrapping of ships replaced.

(i) No fabricated parts of auxiliary combatant craft, including parts of hulls, engines, and ordnance will be constructed previous to the date of authorization of replacement tonnage. A list of such parts will be furnished all Powers party to this agreement.

(j) In case of the loss or accidental destruction of ships of this class they may be replaced by new construction in conformity with the foregoing rules.

#### AIRCRAFT.

27. The limitation of naval aircraft is not proposed.

NOTE.—Owing to the fact that naval aircraft may be readily adapted from special types of commercial aircraft, it is not considered practicable to prescribe limits for naval aircraft.

#### GENERAL RESTRICTION ON TRANSFER OF COMBATANT VESSELS OF ALL CLASSES.

28. The Powers party to this agreement bind themselves not to dispose of combatant vessels of any class in such a manner that they later may become combatant vessels in another navy. They bind themselves further not to acquire combatant vessels from any foreign source.

29. No capital ship tonnage nor auxiliary combatant craft tonnage for foreign account shall be constructed within the jurisdiction of any one of the Powers party to this agreement during the term of this agreement.

#### MERCHANT MARINE.

30. As the importance of the merchant marine is in inverse ratio to the size of naval armaments, regulations must be provided to govern its conversion features for war purposes.

## SECOND PLENARY SESSION.

WASHINGTON, TUESDAY, NOVEMBER 15, 1921.

The second plenary session of the Conference on the Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, was called to order on Tuesday, November 15, 1921, at 11.00 o'clock a. m., in Memorial Continental Hall, by the Chairman, the Honorable Charles Evans Hughes.

THE CHAIRMAN (*speaking in English*): The record of the first plenary session has been distributed to the delegates, and such corrections as were found to be necessary have been given to the Secretary General. It is desired that our proceedings, in view of the fact that we are a very compact body and all that we do proceeds upon the assent of all, should be as free from formality as possible, and unless there is some express request to the contrary we shall assume that the record of the proceeding is satisfactory to all.

I have the honor to report to the Conference that the Committee on Program and Procedure with respect to the subject of Limitation of Armament at its meeting yesterday thoroughly considered the best means of effecting a simple organization which would be adequate to our purposes. The Committee recommends to the Conference the appointment of a committee composed of all the plenipotentiary delegates of the United States of America, the British Empire, France, Italy and Japan, to examine and report to the full Conference with respect to limitation of armament and with power to set up such sub-committees as it might from time to time deem desirable.

It is the intention that this committee, consisting of all the plenipotentiary delegates, meaning, of course, all, if they desire to attend, or such as may be appointed to attend by the respective delegations, in connection with the consideration of particular subjects, fully consider all the matters that may be deemed to be involved and report to a plenary session of the Conference for discussion and action.

I may at the same time report to the Conference that the Committee on Program and Procedure with respect to Pacific and Far Eastern questions met yesterday, that Committee consisting of the heads of missions and the appointed representatives of the nine Powers participating in the discussion of Pacific and Far Eastern questions, and it was decided to recommend to the Conference the appointment of a committee composed of all

the plenipotentiary delegates of the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands and Portugal, to examine and report to the full Conference with respect to the Pacific and Far Eastern questions, with power to set up such sub-committees as it might from time to time deem desirable.

May I ask whether these recommendations meet with the approval of the delegates? (*After a pause*): Assent is manifested. It will be considered that the recommendations are adopted and the Committees are constituted accordingly.

It will now be in order for the Conference to listen to such discussion as may be desired with respect to the proposals which have been submitted on behalf of the American Government.

Mr. Balfour.

MR. BALFOUR (*speaking in English*): Mr. Chairman, you have invited those who desire it to continue the discussion which began on Saturday last. I think it would be very unfortunate if we were to allow the events of Saturday to pass without some further observations on the part of those to whom you, Mr. Chairman, addressed your speech; and if, for reasons which I shall venture to explain in a moment, I am the first to take up the challenge, it is because of all the Powers here assembled the country which I represent is, as everybody knows, most intimately interested in all naval questions.

Statesmen of all countries are beginning to discover that the labors and difficulties of peace are almost as arduous and require almost as great qualities as those which are demanded for the conduct of a successful war. The struggle to restore the world to the condition of equilibrium, so violently interfered with by five years of war, is one that taxes and must tax the efforts of everybody. And I congratulate you, if I may, Mr. Chairman, on the fact that you have added a new anniversary which will henceforth be celebrated in connection with this movement towards reconstruction in the same spirit in which we welcomed the anniversary, celebrated only a few hours ago, of the date on which hostilities came to an end. If the 11th of November, in the minds of all the Allied and Associated Powers, in the minds perhaps not less of all the neutrals, is a date imprinted on grateful hearts, I think November 12th will also prove to be an anniversary welcomed and thought of in a grateful spirit by those who in the future shall look back upon the arduous struggle now being made by the civilized nations of the world, not merely to restore pre-war conditions, but to see that war conditions shall never again exist.

I count myself among the fortunate of the earth in that I was present, and to that extent had a share in the pro-

ceedings of last Saturday. They were memorable indeed. The secret was admirably kept! I hope that all the secrets, so long as they ought to be secret, of our discussions will be as well kept. In my less sanguine mood I have my doubts. But, however that may be, the secret in this case was most admirably kept, and I listened to a speech which I thought eloquent, appropriate, in every way a fitting prelude to the work of the Conference which was about to open or which indeed had been opened by the President, without supposing that anything very dramatic lay behind. And suddenly I became aware, as I suppose all present became aware, that they were assisting not merely at an eloquent and admirable speech, but at a great historical event. It was led up to with such art, the transition seemed so natural, that when the blow fell, when the speaker uttered the memorable words which have now gone round and found an echo in every quarter of the civilized world, it came as a shock of profound surprise; it excited the sort of emotions we have when some wholly new event suddenly springs into view, and we felt that a new chapter in the history of world reconstruction had been worthily opened.

Mr. Chairman, the absolute simplicity of the procedure, the easy transition, and the great dramatic climax, were the perfection of art, which shows that the highest art and the most perfect simplicity are very often, indeed very commonly, combined.

Now, I said I would explain, if I was allowed, why I venture to rise first to-day to deal with the subject which is in all our hearts. As I have hinted, it is because the British Empire and Great Britain, the two together, are more profoundly concerned with all that touches matters naval than it is possible for any other nation to be, and this not, believe me, for any reasons of ambition, not for any reasons drawn from history or tradition, but from the hard brutal necessities of plain and obvious facts.

There never has been in the history of the world a great empire constituted as the British Empire is. It is a fact no doubt familiar to everybody whom I am addressing at the present moment; but has everybody whom I am addressing imaginatively conceived precisely what the situation of the British Empire is in this connection?

Most of my audience are citizens of the United States. The United States stands solid, impregnable, self-sufficient, all its lines of communication protected, doubly protected, completely protected, from any conceivable hostile attack. It is not merely that you are one hundred and ten millions of population; it is not merely that you are the wealthiest country in the world; it is that the whole configuration of your country, the geographical position of your country, is such that you are wholly immune from the particular perils to which, from the nature of the case, the British Empire is subject.

Supposing, for example, that your western States, for whose safety you are responsible, were suddenly removed ten thousand miles across the sea. Supposing that you found that the very heart of your empire, the very heart of this great State, was a small and crowded island depending upon oversea trade not merely, not chiefly, for its luxuries, but depending upon oversea communication for the raw material of those manufactures by which its superabundant population lives; depending upon the same oversea communication for the food upon which they subsist. Supposing it was a familiar thought in your minds that there never were at any moment of the year within the limits of your State more than seven weeks' food for the population, and that that food had to be replenished by oversea communication. Then, if you will draw that picture, and if you will see all that it implies and all that it carries with it, you will understand why it is that every citizen of the British Empire, whether he be drawn from the far dominions of the Pacific or whether he lives in the small island in the North Sea, never can forget that it is by sea communication that he lives, and that without sea communication he and the Empire to which he belongs would perish.

Now, ladies and gentlemen, do not suppose that I am uttering laments over the weakness of my country. Far from it. We are strong, I hope, in the vigorous life of its constituent parts. We are strong, I hope, in the ardent patriotism which binds us all together. But this strategic weakness is obvious to everybody who reflects; it is present in the minds of our enemies, if we have enemies. Do not let it be forgotten by our friends.

These reflections, with your kindness, I have indulged in in order to explain why it is that I am addressing you at the present time. We have had to consider, and we have considered, the great scheme laid before you by your Chairman. We have considered it with admiration and approval. We agree with it in spirit and in principle. We look to it as being the basis of one of the greatest reforms in the matter of armaments and preparations for war that has ever been conceived or carried out by the courage and patriotism of statesmen. I do not pretend, of course—it would be folly to pretend—that this or any other scheme, by whatever genius it may have been contrived, can deal with every subject, can cover the whole ground of international reconstruction. It would be folly to make the attempt, and it would be folly to pretend that the attempt has as yet been made in any single scheme. As was most clearly explained by the Secretary of State on Saturday, the scheme deals, and deals only, with the three nations which own the largest fleets at present in the world. It, therefore, of necessity omits all consideration for the time being of those European nations who have diminished their fleets, and who at present have no

desire, and I hope never will have any desire, to own fleets beyond the necessities that national honor and national defense require.

Again, it does not touch a question which every man coming from Europe must feel to be a question of immense and almost paramount importance; I mean the heavy burden of land armament. That is left on one side, to be dealt with by other schemes and in other ways. What it does is surely one of the biggest things that has ever yet been done by constructive statesmanship. It does deal with the three great fleets of the world; and in the broad spirit in which it deals with those fleets, in the proportion of disarmament which it lays down for those fleets, the Government of the country which I represent is in the fullest and the heartiest sympathy with the policy which the United States have brought before us for our consideration. (*Applause.*) They have, as we think most rightly, taken the battle fleet as the aggressive unit which they have in the main to consider; and in the battle fleet you must include those auxiliary ships without which a modern battle fleet has neither eyes nor ears, has little power of defense against certain forms of attack, and little power of observation, little power of dealing with any equal foe to which it may be opposed.

Taking these two as really belonging to one subject, namely the battle fleet, taking those two, the battleships themselves and the vessels auxiliary and necessary to a battle fleet, we think that the proportion between the various countries is acceptable; we think the limitation of amounts is reasonable; we think it should be accepted; we firmly believe that it will be accepted. (*Applause.*)

In my view the message which has been sent around the world on Saturday is not a message which is going to be received by those most concerned with cool approbation; I believe it is going to be received by them with warm, hearty approval, and with every effort at full, loyal and complete cooperation. (*Applause.*)

I think it would be ill fitting on such an occasion as this if I were to attempt to go into any details. There are questions—and I have no doubt that the Secretary of State, our Chairman, would be the first to tell us that there are details which can only be adequately dealt with in committee. At the first glance, for example, and I give it merely as an example, our experts are inclined to think that perhaps too large an amount of tonnage has been permitted for submarines. Submarines are a class of vessel most easily abused in their use and which, in fact, in the late war were most grossly abused. We quite admit that the submarine probably is the defensive weapon, properly used, of the weak, and that it would be impossible, or, if possible, it might well be thought undesirable, to abolish it altogether. But the amount of submarine tonnage permitted by the new scheme is far in excess, I believe, of the tonnage possessed by any

nation at the present moment, and I only throw it out as a suggestion that it may be well worth considering whether that tonnage should not be further limited, and whether, in addition to limiting the amount of the tonnage, it might not be practicable, and if practicable, desirable, to forbid altogether the construction of those vast submarines of great size which are not intended for defense, which are not the weapon of the weaker party, whose whole purpose is attack and whose whole purpose is probably attack by methods which civilized nations would regard with horror. (*Applause.*)

However, there may be other questions of detail, questions connected with replacement, questions connected with cruisers which are not connected with or required for fleet action. But those are matters for consideration by the technical experts, and however they be decided they do not touch the main outline of the structure which the United States Government desire erected and which we earnestly wish to help them in erecting. (*Applause.*)

That structure stands, as it seems to me, clear and firm, and I cannot help thinking that in its broad outlines, whatever may happen in the course of the discussions during the next few weeks, that structure will remain as it was presented by its original architects, for the admiration and for the use of mankind.

I have little more to say except this. It is easy to estimate in dollars, or in pounds, shillings and pence, the saving to the taxpayer of each of the nations concerned which the adoption of this scheme will give. It is easy to show that the relief is great. It is easy to show that indirectly it will, as I hope and believe, greatly stimulate industry, national and international, and do much to diminish the difficulties under which every civilized government is at this moment laboring. All that can be weighed, measured, counted; all that is a matter of figures. But there is something in this scheme which is above and beyond mere numerical calculation. There is something which goes to the root, which is concerned with the highest international morality. This scheme, after all—what does it do? It makes idealism a practical proposition. (*Applause.*) It takes hold of the dreams which reformers, poets, publicists, even potentates, as we heard the other day, have from time to time put before mankind as the goal to which human endeavor should aspire.

The narrative of all the attempts made, of all the schemes advanced for diminishing the horrors of war, is a melancholy one. Some fragments of it were laid before you by our Chairman on Saturday. They were not exhilarating. They showed how easy it is to make professions, and how impotent it is to carry those professions into effect. What makes this scheme a landmark is that combined with the profession is the prac-



tice, that in addition to the expression, the eloquent expression of good intentions, in which the speeches of men of all nations have been rich, a way has been found in which, in the most striking fashion, in a manner which must touch the imagination of everybody, which must come home to the dullest brain and the hardest heart, the Government of the United States have shown their intention not merely to say that peace is a very good thing, that war is horrible, but that there is a way by which wars can really be diminished, by which the burdens of peace, almost as intolerable as the burdens of war, can really be lightened for the populations of the world. And in doing that, in doing it in the manner in which they have done it, in striking the imagination not merely of the audience they were addressing, not merely of the great people to whom they belonged, but of the whole civilized world, in doing that they have, believe me, made the first and opening day of this Congress one of the landmarks in human civilization. (*Prolonged applause.*)

I have said all that I propose to say, but if you will allow me I will read a telegram put into my hands just as I reached this meeting, from the British Prime Minister. (*Applause.*)

"Following for Mr. Balfour from Mr. Lloyd George:

"Many thanks for your telegram. If you think it would serve useful purpose to let them know message might be published, as follows:

"Government (that is, the British Government) have followed proceedings at opening session of Conference with profound appreciation and whole-heartedly endorsed your opinion that speeches made by President Harding and Secretary of State were bold and statesmanlike utterances pregnant with infinite possibilities. Nothing could augur better for the ultimate success of the Conference. Please convey to both our most sincere congratulations.'" (*Applause.*)

THE CHAIRMAN (*speaking in English*): Admiral Kato.

ADMIRAL BARON KATO (*speaking in Japanese, his speech being afterwards translated into English as follows*): Mr. Chairman, with your permission, I wish to present to the Conference my views on this great question of the limitation of armaments. I possess no art of oratory; I must speak simply, concisely, and, above all, frankly.

Japan deeply appreciates the sincerity of purpose evidenced in the plan of the American Government for the limitation of armaments. She is satisfied that the proposed plan will materially relieve the nations of wasteful expenditures and cannot fail to make for the peace of the world. (*Applause.*)

She cannot remain unmoved by the high aims which have actuated the American project. Gladly accepting, therefore, the proposal in principle, Japan is ready to

proceed with determination to a sweeping reduction in her naval armament.

It will be universally admitted that a nation must be provided with such armaments as are essential to its security. This requirement must be fully weighed in the examination of the plan. With this requirement in view, a few modifications will be proposed with regard to the tonnage basis for replacement of the various classes of vessels. This subject should be referred to special consideration by naval experts. When such modifications are proposed I know that the American and other delegations will consider them with the same desire to meet our ideas as we have to meet theirs.

Japan has never claimed nor had any intention of claiming to have a naval establishment equal in strength to that of either the United States or the British Empire. Her existing plan will show conclusively that she had never in view preparation for offensive war. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Senator Schanzer.

SENATOR SCHANZER (*speaking in English*): Mr. Chairman, in the eloquent address with which you outlined the work of the Conference we warmly applaud these words of yours: "The time has come and this Conference has been called, not for general resolutions or mutual advice, but for action." You proved at once that you mean to carry out your suggestion into practical execution.

The first impression made by your statement concerning the limitation of naval armament is one of great sincerity, great force, great courage. You stated clearly and unhesitatingly to the Conference and to the public opinion of the entire world the question of the limitation of naval armaments, especially as concerns the great naval Powers, and you did it with precision of facts and of figures, thus affording a solid basis for discussion.

We shall not consider the technical side of the question. We only wish to express in a general way, in the name of the Italian Delegation, our great satisfaction with the proposals. We hope that your proposition when accepted will be the source of the most beneficent economic consequences. The peace of the world cannot be permanently maintained if we do not consider the ways and means of reestablishing the economic balance of the world.

Modern civilization is an economic civilization; and the modern world, in spite of distances and natural barriers, cannot be conceived except as a single great economic system. This economic system has been shattered by the war. It is necessary now to restore it and to get it into motion again. We think that your proposal is the first effective step toward giving the world a relief of such nature as to enable it to start the work of its economic reconstruction.

In respect to Mr. Balfour's reference to the question of French and Italian naval forces may I be allowed to say a few words?

I think it rather difficult to separate the question of the limitation of Italian and French naval armament from the general question of the limitation of naval armaments of the world. Certainly, as you have stated, Mr. Chairman, in your address, the question concerning the great naval Powers must be considered in the first place; and you have stated that the United States proposes that the question concerning Italian and French naval armaments be left for the later consideration of the Conference. So we wish; and we feel sure that, in accordance with your statement, the French and Italian naval question will be considered by the Conference before the end of the discussion of the question involved in your proposal.

In conclusion, Mr. Chairman, I express in the name of the Italian Delegation the most fervent wish that the Conference, taking your proposal as its working basis, may lead to a result which will be extremely happy not only for the Powers directly interested, but for the entire world. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Mr. Briand. (*Applause.*)

MR. BRIAND (*speaking in French*): Gentlemen, I was fully in accord with the Head of the British Delegation when, at the beginning of his eloquent remarks, he said that this Conference marked a great historical event in the chronicle of the nations. I am less in accord with him when he declares that he experienced surprise upon hearing the statements of Mr. Hughes. In coming here, in fact, I, for my part, was quite sure that a great people like the people of the United States had not taken so serious a step without having a definitely fixed plan. In a matter so momentous as that of peace or war, after the sanguinary struggle from which we have just emerged, we no longer have the right to hold out to nations the hope of an era of permanent peace unless we have fully decided to adopt the ways and means most appropriate to the realization of that hope.

Many conferences and congresses have already endeavored to put this idea into execution, and the Honorable Mr. Balfour is right in saying that great danger lies in looking at this question through a mist of idealism. But Mr. Hughes has quite rightly made it plain that the duty before us is to find the straight path and to enter upon it at once; and he has set the example. We are back of you, Mr. Chairman.

If, in the course of the complex researches that must now be undertaken in the study of the details upon which, after all, depends the effective realization of a program of disarmament, we should be tempted at times to stray from the straight path you have pointed out to us and to wander into the byways, we of France

will gladly unite our efforts to those of all the men of good will who are gathered here to bring the Conference back to that path which will lead us to the goal toward which all our hearts aspire.

The question under consideration to-day chiefly concerns the great naval powers, and it is with a glad heart that I, for my part, have noted the very broad-minded and complete adherence in principle, by Great Britain and Japan, to the proposals of the American Government. But this does not mean that in the naval question France has nothing at stake. At the proper time we shall take the opportunity of stating what we have already accomplished. We shall set forth in figures how, as a consequence of the War, our navy is today reduced to proportions quite inadequate for the defence of our national interests and geographical position.

But there is another problem to which Mr. Balfour has alluded, and I thank him for doing so. Is it only an economic question that is being discussed in this Conference? Are we concerned only with figures and budgets? It would be unworthy of the great nation that has convened this Conference if this were so. In reality, the question is to ascertain whether the nations, by coming to an understanding, can avoid the atrocities of war. Thus arises the question of the limitation of land armament.

This is the most serious question, an especially delicate one, for France; it will be discussed, it must be, and if there is a country that desires and insists on this discussion, it is France. At the proper moment this question will come up, and I sincerely hope that opportunity will be offered me to state in public session how the problem of the limitation of land armament appears to France. I shall make known to the people of America and to the entire world the real situation of my country. I am convinced that, with the spirit of justice which inspires you all, you will understand for what reasons of security it is necessary for France to maintain an adequate army and that, in the effort she must sustain, she is animated by no thought of conquest or imperialism. I repeat: the time will come to prove this. At present, I wish simply to record with joy the agreement already reached as regards the first great problem placed before the Conference, and to express the hope that a like agreement may be reached with regard to the other questions with which we shall have to deal. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Gentlemen, we have listened not only with gratification, but I may say with profound emotion, to these expressions, so cordial, of agreement in principle with the proposal that has been made on behalf of the United States with respect to the limitation of naval armament. It will now be in

order to consider the many details which must be associated with an exact agreement for that purpose.

There are subjects, it has been suggested here, which will appropriately be examined by naval experts, and it is the desire of the American Government that what has been proposed by that Government, with the suggestions that have been made by Mr. Balfour on behalf of the British Government, by Admiral Kato on behalf of the Government of Japan, and any other suggestions by way of modification or emendation or criticism that may be proper, shall all be thoroughly considered, to the end that after the most mature and careful deliberation we may accomplish the great purpose which this Conference in this matter has been assembled to achieve. (*Applause.*)

But while the time is now opportune for the consideration of these details, the great first step has been taken in this notable expression of approval in principle of what has been suggested by the American Government. And do I go too far in saying that we may commit this matter to a technical examination with the assurance, which I am very certain will be gratifying to the hearts of our peoples, that there will come out of this Conference an appropriate agreement for satisfactory, important, essential reduction of naval armament, to the end that offensive naval warfare will be no more and this great advance will be made to the accomplishment of an enduring peace? (*Applause.*)

If it is not desired to have further discussion of the matter which has been brought before us, I suppose it will be in order to adjourn to give opportunity for the consideration of the project to which I have referred. And may I add that I have no doubt that I express the wish of the Conference that at an opportune time Mr. Briand will enjoy the opportunity of presenting to the Conference most fully the views of France with regard to the subject of land armament, which we must discuss?

Mr. BRIAND (*speaking in French*): Gentlemen, I beg to move that the date of the next public meeting shall be fixed by the Chairman, as he will best know how far the work of the committees has advanced and when will be the fittest time to call us together.

THE CHAIRMAN (*speaking in English*): Gentlemen, you have heard the motion of Mr. Briand that the next public session of the Conference shall be at the call of the Chair, who will be advised of the progress that has been made in the committees and the condition of matters for report.

May I say, before I ask your assent to that or your views with regard to it, that it is proposed that the Committee on the Limitation of Armament, which has been constituted to-day, shall meet at once; that is to say, in

the course of the afternoon, at an hour which I shall take the liberty of suggesting after I have had an opportunity to consult the heads of the delegations with respect to their convenience?

May I also suggest that the meeting of the committee which has been constituted to deal with the Pacific and Far Eastern question will probably be called to-morrow morning or afternoon, in order that that matter may be put under consideration?

Have I the assent of the delegates to the suggestion of Mr. Briand with regard to the adjournment of the public meeting, to be resumed at the call of the Chair? (*After a pause*): Assent is manifested, and it is so ordered.

The Conference, then, is declared adjourned subject to the call of the Chair.

Accordingly, at 12.45 o'clock p. m., the Conference was adjourned subject to the call of the Chair.

### THIRD PLENARY SESSION.

WASHINGTON, MONDAY, NOVEMBER 21, 1921.

The third plenary session of the Conference on the Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, met at Washington on Monday, November 21, 1921, at 11 o'clock a. m., in Memorial Continental Hall. The Chairman, the Honorable Charles Evans Hughes, Secretary of State of the United States of America, presided.

THE CHAIRMAN (*speaking in English*): A record of the proceedings at the last plenary session has been sent to the delegations, and I understand that such corrections as are desired have been forwarded to the Secretary General, and that the record as it now stands is acceptable to all the delegates. Unless there is objection, the record will stand approved.

It is a pleasure to be able to state that gratifying progress has been made in the work of the Conference. The proposals of the American Government with respect to the limitation of naval armament have been under consideration by the committee of the plenipotentiary delegates of the five Powers, and, aided by a subcommittee of naval experts, that matter is progressing favorably. You will recall the appointment of a committee consisting of the plenipotentiary delegates of the nine Powers to consider questions relating to the Pacific and the Far East. In the course of the deliberations of that committee, most important declarations have been made on behalf of the represented countries, and, while there is nothing at the moment to report to the plenary session with respect to either of these topics, I think I am justified in saying that our expectations with respect to the expedition and thoroughness of our consideration of these matters have already been more than realized.

There remains another subject which so far has not engaged our attention, and that is the subject of land armament or military forces.

So far as the Army of the United States is concerned, no question is presented. It has always been the policy of the United States—it is its traditional policy—to have the regular military establishment upon the smallest possible basis. At the time of the armistice there were in the field and in training in the American Army approximately 4,000,000 men. At once upon the signing of the

armistice demobilization began and it was practically completed in the course of the following year, and to-day our regular establishment numbers less than 160,000 men.

While, however, we have this gratifying condition with respect to the military forces in the United States, we fully recognize the special difficulties that exist with respect to military forces abroad. We fully understand the apprehensions that exist and their bases, and also the essential conditions of national security which must appeal to all the Powers that are here represented.

It is regarded as fitting at this time that there should be the freest opportunity for the presentation of views upon this subject of land armament or military forces by the delegates present, and it is the wish of all delegates that the considerations that are pertinent and full explanation of all the conditions that exist that bear upon the matter should be had, and that all of the delegates of the Governments represented here should have opportunity to present fully the matters which they think should be understood by the Conference and by the world.

Are you ready to proceed to the discussion of this question?

Mr. Briand:—and let me say, before Mr. Briand rises, that it will probably be convenient and, I understand, in accordance with his wishes, for him to pause from time to time to permit translation of portions of his address as he proceeds; and the audience will therefore understand that he has not finished when the translation begins. (*Applause.*)

MR. BRIAND (*speaking in French*): Gentlemen, you will readily appreciate that I, as delegate of France, experience a certain emotion in rising in this resounding tribune from which, one may say, every word spoken is borne to the attentive and anxious ears of all civilized peoples.

I thank my colleagues of the Conference who, in calling this public session, have made it possible for the representative of France to reveal her to their eyes, to the eyes of the entire world, in her true light, just as she is, as eager as any country, I might perhaps say more eager than any other country, to give heed to every measure which may tend to secure a lasting peace for the world. Nothing could be more gratifying to my colleagues and to myself than to be able to stand before you and say: "We come prepared to make the greatest sacrifices; our country is safe; we lay down our arms and, in so doing, we rejoice in helping to lay the foundations of a permanent peace." Unhappily we can not do this. I say further: Unhappily we have not the right to do it. I shall explain the reasons for this; I shall tell you what the position of France is at the present moment.

It takes two to make peace: yourself and your neighbor. To make peace—I speak from the standpoint of land armament—it is not enough to reduce armies and



to decrease the munitions of war. That is the material side of things. There is another consideration which one has no right to overlook when facing such a problem—a consideration which goes to the heart of questions vital to the welfare of a nation. A nation must also be surrounded by what I may call an atmosphere of peace; disarmament must be moral as well as material. I have the right to say, and I hope to be able to prove, that in Europe as she is at the present moment there are still, alas, grave elements of instability, conditions of such a character that France is forced to look them in the face and to measure their consequences from the point of view of her own safety.

I find myself in a land where many men have had occasion to appreciate that situation. They came to our country in the darkest hours of the war; they shed their blood with ours, with that of our allies; they have known France and her agony; they have seen her wounds. They have also known Europe, and they are surely doing their share to enlighten the mind of the great American people. I thank them for what they have already done to dispel the asphyxiating gases with which our enemies have striven to mask; to disfigure the face of France. Here in this vast country, however, which has known nothing of the entangled boundaries of the European nations, in a country where the homes of men are spread over an immense territory, where hostile neighbors are unknown, where not a single frontier gives cause for anxiety, it is hard indeed to form a true idea of the state of Europe after the war and the victory.

I readily admit that a citizen of the United States might say: "The war has been won; peace is signed; Germany now has but a limited army; the greater part of her war material has been destroyed. What then stands in the way of an abiding peace in Europe? Why does France still maintain a considerable army abundantly supplied with war material?" There are even those who try to persuade the American people that if France persists in this position it is because she has hidden motives, because she seeks to set up in Europe a sort of military hegemony, and to take the place of the old imperialistic Germany in the employment of force.

Gentlemen, to us Frenchmen no reproach could be more painful or more cruel. And that after such a terrible war as that through which we have just passed we should still find ourselves under the grim necessity of keeping up an appearance which permits our enemies to attribute to us such perfidious motives—this would be sad and discouraging indeed if I did not have faith in those who understand my country and who know that these accusations are wholly false. (*Applause.*)

If in all the world there is a country resolutely turned toward peace, longing for it with all its might, invoking it with all its faith, it is France. Since the armistice, she has suffered many disillusionments; she has had to await the fulfillment of many hopes; for more than a year she has seen Germany disputing over her pledged word; she has seen Germany playing false to her promises to pay for the reparation of the devastated regions and accept the punishment which justice demanded after such a war; she has seen Germany refusing to disarm. France was strong; Germany could not resist her; public opinion was naturally impatient; yet all the while, France remained calm. She has had no wish to make a move which might make a bad situation worse; she has no hatred in her heart. (*Applause.*)

I tell you now: France will do everything, she will do her utmost to bring to an end the era of bloody conflicts between herself and Germany, in order that the two nations may live side by side in good understanding and in peace. But France has no right to forget the past; she has no right to relax; she has no right, in her present situation, to impair her strength to such an extent as to raise hopes in enemy hearts and, by her very weakness, to encourage new wars.

I have spoken of the moral aspect of the problem in Germany. I do not wish to be unfair; there is a Germany made up of a great body of working-folk, of reasonable and enlightened people, who are anxious to leave war behind and to settle down in peace under a democratic régime. We shall do everything in our power to aid that Germany in the fulfillment of her aims. It is that Germany which, if she finally establishes herself as a peaceful republic, will permit us to face the future in perfect safety. But there is another Germany, all unenlightened by the recent conflict; a Germany which has learned nothing, which still cherishes the hidden motives and evil designs held by her before the war; which has retained all the obsessions and ambitions of the Germany of the Hohenzollerns. How can we Frenchmen pay no heed to this Germany? She is at our very door; we clearly read her thoughts; we witness her attempts—for they have not been wanting since peace was restored—to secure a new lease of power. The significance of Kapp's coup d'état could not be mistaken; everyone knows that had it been successful, the Germany of former days would have been born again to disturb the world's peace anew.

A book has just been published by a man of distinction in Germany, General Ludendorff, whose authority is great in certain German circles, and whose influence is an inspiration, so to speak, to many people belonging to the élite of his country: professors, philosophers, authors. What do we read in this book? I have no wish to make quotations and abuse your patience by prolonging my

remarks; it is, nevertheless, one of the elements of my brief. In view of your conviction that the moral aspect of this problem is of great import, I ask permission to read, for your information, two or three passages from this book.

Here is one:

"We must learn to understand that we live in an age of war; that for the individual, as well as for the State, strife is a natural phenomenon, and that this strife likewise has its foundation in the divine order of the world."

Farther on, General Ludendorff quotes words uttered in the same spirit by Field Marshal Count von Moltke on December 11th, 1890:

"Eternal peace is a dream; it is not even a beautiful dream, and war is one of the elements of the order of the world created by God. It is through war that man's noblest virtues—courage and unselfishness, devotion to duty, the spirit of sacrifice unto death—are brought to fruition. Without war the world would sink into a morass of materialism."

And still farther on, Ludendorff himself says:

"Herein lies an idea as indispensable to the political education of the German people as the knowledge of the fact that in future, war must always be the last and only decisive factor in the settlement of political questions. This thought, complemented by a manly love of war, cannot be withheld from the German people by the Entente, however much they may wish to take it from us. It is the cornerstone of all political understanding; it is the cornerstone of the future, and especially of the future of the German people, who have been reduced to slavery."

Lastly, I shall make a final quotation:

"The warlike qualities of the German and Prussian armies have been proved on the bloody fields of battle. The German people need no other qualities for their moral regeneration. The spirit of the old army must be the germ from which this regeneration will spring."

This is the teaching of the highest authorities of Germany, of the men who, to a large extent, have preserved the confidence of the German people, and I can well understand it; this, after a bloody war which has sent millions to their graves and stricken the peoples of the world to the depths of their souls—this, I say, is being taught at the very gates of France. How could you expect her to remain indifferent to it all?

I now come to an examination of the material side of things. I am aware that some one might say to me: It is not enough for people to harbor evil designs; in order to carry them out they must have the appropriate means at their disposal; and, when it is a question of war, as war is waged to-day, they must have vast numbers of troops, the necessary equipment for these troops—rifles, machine guns, artillery, and enormous stocks of ammuni-

tion. Germany no longer has these. But Germany, coming out of the war after four years' fighting, has at her disposal seven million soldiers, and far be it from me to attempt to underrate the valor of those soldiers, for our men have had to fight them and know of what extremes of patriotism the German soldier was capable. These millions of soldiers have survived the war and are there, in Germany. Some will say that they are not organized or armed. I reply: No. But then, is it possible to mobilize them to-morrow? My answer is, Yes. I shall now explain myself.

Since peace was signed, Germany has organized an army which was supposed to be in the nature of a police force destined to preserve order at home and along the frontier, and which is called the *Reichswehr*. According to the treaty, it was to comprise one hundred thousand men, and, in fact, it does comprise one hundred thousand men. But what sort of men? Almost all noncommissioned or commissioned officers of the old regular army, who thus form the nucleus of the army of to-morrow. Is this organization devoted solely to the work of maintaining internal order, as stipulated by the Treaty of Peace? No. All the secret instructions issued by the War Office call on the men of this *Reichswehr* to prepare themselves not for police work, but for the work of war, and to undergo the necessary training therefor.

But this is not all. Since the armistice, Germany, under various forms, has brought together real military forces. First of all there were the *Einwohnerwehren*, which included practically all men willing to render military service. These gave rise to such concern that an ultimatum of the Allies was necessary to secure their disbandment. At one time, under the stimulus of the *Orgesch*, a fighting organization whose activities extended over all Germany, these *Einwohnerwehren* acquired such strength and accumulated such a quantity of arms, that the Prime Minister of Bavaria, in a movement of revolt against the Entente, was able to say that he had at his disposal, if he desired it, within a very short time, an army of 300,000 men, fully equipped with rifles, machine guns and artillery. This army is to-day disbanded. The German Government fulfilled its duty; I hasten to acknowledge it here, for honesty compels me to do so; and, besides, I have declared it in the French Parliament. At the present time, the German Government is under the leadership of Chancellor Wirth, who, in my opinion, is a well-meaning man, loyal and frank of purpose, who has made a praiseworthy effort to carry out the agreements signed by his country. But it is a weak government, spied upon and watched. In its path traps and snares are constantly being laid. We shall do

everything to enable it to accomplish its democratic task and to organize its people in a state of peace. It really disbanded the *Einwohnerwehren*; but another formidable organization was formed, the *Sicherheitspolizei*, or safety police, of 150,000 men, composed almost exclusively of regular noncommissioned officers, or at least of soldiers who wished to remain in the military service. We demanded the dispersal of this police force. It was actually disbanded, but it was promptly replaced by a new organization, the *Schutzpolizei*, composed of the same 150,000 men, which, instead of preserving the character of a local police force, has become a centralized police at the disposal of the Federal government throughout the entire German territory. This, with the *Reichswehr*, makes a total of 250,000 men who, under the direction of the regular officers, and by the instruction they receive daily, are being trained to command in the event of a new war. The men themselves are kept constantly under observation. These seven million soldiers have not, therefore, simply returned to civilian life, but have been grouped in all sorts of organizations, with the admirable ingenuity displayed by the German people under similar circumstances. Such are the *Freikorps*; such are the numerous associations for former combatants. Advantage is taken of every occasion, every anniversary—and the Germans are very fond of anniversaries—to bring together their members, to mobilize them, to keep them in hand.

We Frenchmen know all this, and if it is necessary to prove how quickly a fighting force can thus be organized, I shall cite an example: At the time the affairs of Upper Silesia had reached an acute stage, within a few weeks, I might almost say within a few days, there was organized by means of enlistments made all over Germany a military force of about 40,000 men, supplied with rifles, machine guns, artillery, armored trains, and the very latest military equipment, in sufficient quantity to give this force its full fighting value. These are facts; I am not improvising them here for the needs of my argument; they have been verified; they are undeniable.

As regards troops, Germany, in the space of a few weeks, can raise a fighting army of several million men, and she has the officers necessary for it. Now, then, I address the great American people, with its devotion to justice and nobility of purpose. I say to them: "Let us suppose, side by side with America, there existed a nation which throughout the course of history had been in bloody conflict with her, and still revealed its aggressive disposition by its attitude, speaking from a moral standpoint, and by its organization, speaking from a military standpoint. Would the people of the United States avert their eyes from such a danger? Would this people, preeminently a people of action, ever desirous of safeguarding its existence, and, what is more, its liberty and its honor, de-

liberately impair its strength in the face of peril?" In putting such a question I feel sure that there is not an American citizen who would not reply, "Never in the world!" (*Applause.*)

Well, France looks on. She does not exaggerate the danger; she is watching it.

There remains the question of war material. Germany, it is said, has no more material. I grant that the Inter-Allied Commission has accomplished much in this regard. Many cannon have been delivered up and destroyed, perhaps not all. In some cases their destruction has actually been verified by our officers; in others, we must content ourselves with assurances. As to the latter, doubt might perhaps be expressed, but our adversary should receive the benefit of that doubt.

However, the rapid accumulation of the new material is a problem that can be solved. You saw, during the war, with what promptness, fortunately for us (for we should finally have given way if this had not been possible) —with what promptness, I repeat, immense armies were organized, supplied with material, and brought to our side to aid us on the fields of battle. Now, Germany is one vast factory, an industrial plant which before the war had always pursued two aims—a very legitimate commercial aim and a military aim. During the war her factories all worked to their fullest capacity; they have since been still further expanded. In Germany there exist specifications, plans, patterns, and molds necessary for the manufacture of cannon, rifles, and machine guns. If, during a period of diplomatic tension, purposely prolonged for several weeks, all these factories were set to work turning out war material, they would be able to supply the armies for the beginning of a campaign. Thereafter the production would go on increasingly. But it is not the industrial plants of Germany alone that must be reckoned with; there are, outside of Germany, great metallurgic plants purchased by large German manufacturers and financiers; some are in Scandinavian countries, others are elsewhere in Europe, where they can produce unseen and uncontrolled.

For that matter, can practical men like you be made to believe that it is possible to obtain accurate information in the matter of estimating factory production? A ship, a "capital ship", can not be laid down without the knowledge of the world; if, by any chance, its construction has been successfully concealed, it can not be launched without the fact being known. But who can verify with any accuracy the output of rifles, machine guns, and cannon, whose separate parts are distributed amongst all the factories of Germany?

We Frenchmen are seeing history repeat itself; we have seen a Prussia disarmed by treaties—disarmed beneath whose scrutiny and by what man? By Napoleon! And yet later we met that Prussia whom we had thought

impotent, and our blood flowed abundantly. Would you expect the French people to overlook these pages of history? This French people have been reproached for their levity; it is gratuitously stated that the danger once passed, they fling themselves into other preoccupations. To speak the truth, they are not given to fixing their eyes and thoughts constantly on sorrowful and unwelcome things, such as matters of war; but, nevertheless, the lacerations of the flesh have this time been too deep to fail in their lesson. Too much mourning is worn in my country, too many cripples walk our streets, for us not to profit at every instant by the teachings of the war. We have not the right to allow the French nation to be exposed to a repetition of such tragic events. We must protect it—it must protect itself.

That, gentlemen, is the situation we are facing. It is already serious as it stands, but this is not all. In Europe, where, so they say, there is peace, one need only to scan the horizon to see many wisps of smoke which indicate that all the volcanic fires are not extinguished. Since peace was signed, war would already have broken out had not France been strongly armed. Presently I shall explain myself more fully on this point.

I select some instances: Russia is not a negligible element in European politics. When a country capable of mobilizing 20,000,000 men is in a state of complete anarchy; when it maintains an army of 1,500,000 men, of whom 600,000 are fully equipped, while the others could be armed to-morrow, how can one help but feel uneasy? A year and a half ago, Russia hurled herself upon Europe; she strove to drive through Poland, in response to calls coming from Germany. Can you not understand the hours of anguish that we have lived in France under the menace of such a danger? If Bolshevism had broken through the Polish frontiers, if the Bolshevik armies, the armies of anarchy, had united with certain German combinations, what would have become of France; what would have become of Europe? In what state of chaos would Europe be at the present time? I have the right to say that France has been the guardian of order for the entire world; she may well glory in it. But the Russian question is not yet settled. Russia remains in a state of permanent unrest. What will become of these armies, what will become of their war material? What will Germany do to assist Russia to regain her balance and to exploit her? Of this we know nothing.

So many problems of an economic and financial nature are now occupying the attention and good will of statesmen! But that which should first concern us is the question of our safety, of our very life. Above all, we must live. This is truly the great query for France, and when I address you, gentlemen, you who are her friends, many of whom have been her allies, toward whom she

has contracted a debt of eternal gratitude; you who have aided in safeguarding her life, her dignity, her liberty, her honor—when I address you and tell you this, you are, indeed, bound to recognize that this situation is a serious one.

When we consider the limitation of armament from the naval point of view, we have freedom of decision and assurance in our hearts and minds; we are among friends; no threat of war is before us. The possibility of danger is remote. Nevertheless, you do not acknowledge your right to ignore it; you still maintain adequate fleets—and you are right in doing so—to safeguard your prestige upon the seas and to insure your existence should it be threatened. From the land point of view, the danger is imminent—it surrounds us, it prowls, it hangs over our heads. If there is a French statesman who has longed for peace, I am that man. I have the right to say it; no one will contest it. I took office with a view to peace; I assumed my duties in the midst of difficult conditions when my country was in a state of justifiable impatience; I have had to withstand many attacks in defense of my position; I am deeply, passionately attached to the cause of peace, and if it is ever disturbed, it will not be by me. But the further I urge my country along the path of peace, the more I feel upon my head the burden of responsibility for its safety. And if, to-morrow, as a consequence of too much optimism, I should see France once more attacked, mutilated, bleeding, perhaps lost, I, in having caused her weakness, would have failed in the most imperative of my duties.

It is with this situation that one must reckon; it is under the weight of these responsibilities that action must be taken.

Only yesterday, in Upper Silesia, an incident occurred which suddenly assumed a serious nature. Germany, not believing the French people prepared for direct action, suddenly made known that it was proposed to send the *Reichswehr* into the disputed territory. Such are the stirring situations which confront statesmen. I have experienced some, but never any more serious than that one. I firmly made up my mind to say to Germany: "That is impossible. If any such attempt is made, the most appalling consequences may follow." If I had spoken without having the strength of the French Army behind me, what weight would my words have had? And yet, if the proposed action had taken place, what would have become of the peace of Europe? What would have become of the young States which have just sprung into being, but have not yet attained their equilibrium? That is the problem. It did not arise because we were able to back our words with force.

Quite recently an attempted restoration in Europe might have touched the spark to the magazine. There was perfect harmony among the Allies, they were ready



to use force, and the conflict did not take place; the incident was closed.

Gentlemen, these are considerations which I submit for your contemplation; they are serious, but despite that, we have not become so absorbed by them as to turn aside from everything that might be calculated to direct our steps toward final peace.

If you will be good enough to permit me (I apologize for having spoken so long and for having imposed so much upon your attention; another time our Chairman will perhaps hesitate to allow me to speak), I shall endeavor to pursue my explanations to the end.

The idea of limiting armament, which occupies your attention and is the noble aim proposed by this Conference, is not one to which we are indifferent. As regards land armament, we began to demobilize from the moment of the armistice, and this demobilization has been as rapid and as complete as possible.

The military law in France requires the presence of three classes under the colors for a three years' term of military service. This law still exists; it has not been abrogated. The Government, however, has already reduced to two years the time spent under the colors by the soldiers, and, instead of three classes, there are at the present moment only two classes performing their military service. We have therefore accomplished an important reduction, one-third, in the normal strength of the home forces of the French Army, excluding all those who are on duty in the colonies, or engaged in tasks imposed upon them in consequence of the treaty, whether on the Rhine or elsewhere. This movement has not ended, and the plans of the Government for the future include further limitations. Before long it is certain that, according to the Government's project, the length of military service will be reduced by one-half; instead of three classes, only one class and a half will be found under the colors; the home army, by reason of this fact, will find itself reduced to one-half of its strength.

I tell you very plainly and very frankly, gentlemen, that it is impossible to do more than this. France could not do it without exposing herself to the greatest dangers. If some one should come and say to us, to-day or to-morrow: "We see this danger as well as you; we appreciate it, we are going to share it with you; we offer you every means of security that you can desire," France would immediately take another course. Gentlemen, we appreciate the preoccupations which weigh upon the minds of the statesmen who are charged with the government of other countries; we realize the problems of other nations, their difficulties in a world still full of unrest; and we have not the selfishness to ask other people to use their own national sovereignty to our profit. But then (and it is here that I appeal to your

sense of justice), if France must face alone a situation such as I have described without any exaggeration, such as it really is, then she must not be denied the opportunity of insuring her own safety within limits consistent with the needs of the present hour.

I should not like to be the man who would attempt to limit the efforts of a conference assembled for so noble a purpose. I should prefer to see no limitation whatever placed upon our labors. I should like to be able to say that all questions must be presented, examined, discussed, settled; still I venture to call your attention to this point: a moral disarmament of France would be most dangerous; it would also be a most unfavorable factor in hastening the hour when peace shall be definitely established in Europe and throughout the world.

It is important that everyone should know that France is not morally isolated; that she still has with her and for her the good will, the affection of all civilized peoples, of all those who fought by her side to ensure the triumph of freedom on earth. What is really required for the moral disarmament in Germany of all the evil elements that I mentioned at the beginning of my speech is that it is well understood beyond the Rhine that France is not alone; the absolute certainty in Germany that all poisonous propaganda destined to disfigure the face of France will beat itself against impassable walls, and that those who were with us yesterday are still with us morally to-day. If that be known in Germany, the new elements of the German democracy, the sensible men who are trying to strengthen the Republic, will gain the upper hand. The inflammatory words of the old Germany will fall into empty space; it will be impossible for those who are dreaming of revenge to pursue their aims; democracy will become established in that country, and from that time one can really hope to see peace finally reign upon earth.

Gentlemen, all that France can do to hasten that hour, she will do—she has already done; she has not hesitated to open negotiations with the German Government for the purpose of arranging some method of payment which will adequately meet the terrible needs of reparation: she has done everything that she could to hasten the hour when normal relations shall be established between the two countries. That hour will come: it has not yet struck. If, from the course followed by the work of this Conference, the hope might be gleaned elsewhere that the result would be an implied censure of the armament of France; if, furthermore, it might be thought that France was alone in her attitude; if she might be pointed out to the entire world as the country opposed to general disarmament and permanent peace—gentlemen, the Conference would have dealt a terrible blow to the cause of peace. I am sure that that is not

in your thought nor in your purpose; I am sure that after having weighed the reasons I have given you, you will realize that they are valid; you will be good enough to record them and to recognize that, in the existing circumstances, France can not possibly do otherwise than she has done. (*Prolonged applause.*)

THE CHAIRMAN (*speaking in English*): Mr. Balfour.

MR. BALFOUR (*speaking in English*). Mr. Chairman, evidently this is not a fitting moment to deal at length or in detail with the great speech which has just come to its conclusion. It has been your privilege, and my privilege, to hear one of the great masters of parliamentary oratory. We have heard him with admiration, we have heard him with a full measure of sympathy; but we have done much more, I think, than merely be the auditors of a great, artistic performance. We have heard something more than a great speech; we have heard a perfectly candid, perfectly lucid, perfectly unmistakable exposition of the inmost thoughts of the Prime Minister of our great ally. He has told us, I believe without reserve, what are the anxieties, what are the preoccupations, of the country over whose destinies he presides. He has told us what they fear and why they fear it. And nothing can be more useful, nothing can be more instructive to us of other nations, than to have this full revelation of the inner thoughts of one of our allied and associated statesmen.

We live under very different conditions from the French citizens for whom Mr. Briand has so eloquently spoken. In the secure homes of America no terrors exist or can exist comparable to those which inevitably haunt the thoughts, waking and sleeping, of the leaders of French politics; for they have what neither you in America have nor we in England have. I do not venture to speak for the other nations represented around the table. They have at their very doors a great country, great in spite of defeat, powerful in spite of losses; and of its policy, of the course which it means to pursue in the future, they necessarily remain in anxious doubt.

It is good for us all, I venture to say, from whatever nation we may be drawn, from whatever part of this great continent we come, that we should be initiated, as we have been initiated this morning, into the inner sanctuary of French policy.

It must be acknowledged, sorrowfully acknowledged, that the speech to which we have just listened is not hopeful for any immediate solution of the great problem of land armaments. And why is it that there is this great difference between land armaments and sea armaments? Why is it that we all here look forward with a confidence which I think is not overrated, a serene confidence, to bringing about as a result of our deliberations some great measure; and, under the guidance of the program laid before you by the United States Govern-

ment, why is it we are hopeful of coming to some solution of the great naval problem?

It is because, in the language of Mr. Briand, there has been, in matters maritime, a moral disarmament, and it is on the basis of this moral disarmament that the physical and material disarmament is going to be built. (*Applause.*) That is why we are hopeful about the naval question. And why are we less hopeful about at least any immediate settlement of the military question? It is because, as Mr. Briand has explained to you, in that case there has not been moral disarmament—because we have no assurance, or because the French Government, who watch these things closely, have no assurance either in Russia or in Germany that moral disarmament has made the degree of progress which would make material disarmament an immediate possibility.

I do not venture to offer an opinion of my own upon this question. I leave you to judge of the facts as they have been expounded by one who has profoundly studied them and whose gifts of exposition can not be excelled.

Only this I would say, for I need hardly tell you that I am not going to make a speech. Mr. Briand appears to have some fears lest France should feel herself in moral isolation. That would be a tragedy, indeed. (*Applause.*)

That the liberties of Europe and the world in general, and of France in particular, should be maintained and guarded against the dominating policy of her eastern neighbor is the cause for which the British Empire fought and in which the British Empire still believes. (*Applause.*) Killed on the field of battle we lost nearly a million men. I am talking of the British Empire now. We lost nearly a million men. We lost well over two million men in addition, maimed and wounded.

We grieve over the sacrifice; we do not repent it. (*Applause.*) And if the cause of international liberty was worthy of this immense sacrifice from one of the allied powers—I speak not of others; it is not my right to speak for them—if it deserved and required this sacrifice from one of the allied and associated powers, and if we at all events had not changed our views, either as to the righteousness of the war or as to its necessity; if the lust of domination, which has been the curse of Europe for so many generations, should again threaten the peace, the independence, the self-development of our neighbors and allies—how should it be possible that the sympathies once so warm should become refrigerated, should become cold, and we who had done so much for the great cause of international liberty should see that cause perish before our eyes rather than make further sacrifices in its defense? (*Applause.*)

Those are the thoughts which rise in my mind after hearing the great speech of Mr. Briand. I should only be interfering, I should only be weakening its effect were I

to dwell further upon them, and I will content myself, therefore, with thanking Mr. Briand for the admirable and candid account which he has given of the policy of his country, and wishing him and his country every success and every prosperity in that path of unaggressive prosperity upon which I hope and believe they are now entering. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Senator Schanzer.

SENATOR SCHANZER (*speaking in French*): Gentlemen, I am going to use the French language because I wish the expression of the thought of the Italian delegation to arrive direct, without even the short delay of translation, to the French delegation across the table.

We have listened with great attention to the speech just delivered by Mr. Briand who, with his well-known eloquence, has put forward the situation of France and the French point of view. We are united to France not only by the links of race affinity but also by the brotherhood of arms, which has a long and glorious tradition, and which has received a new and everlasting consecration in the great war which the two countries fought side by side for the defence of their most sacred national rights, of liberty, and of justice.

We have heard the information given us by Mr. Briand: we have considered the figures and documents mentioned in support of his statement, and noted with great satisfaction that France, notwithstanding her present difficulties, is ready, within the limits of her possibilities, to put into execution the principle of the limitation of armaments.

We have no intention whatever of discussing what France considers indispensable for her national safety. Only may we be allowed to express the wish and the hope that the general limitation of land armaments may become a reality in the shortest possible time?

Italy fought the war for the highest aims which a country can seek; but Italy, in her soul, is a peace-loving nation. I shall not repeat what I had the honor of stating at the first meeting of the Conference, but I should like to emphasize again that Italy is one of the surest factors of the world's peace; that she has no reasons whatsoever for conflict with any other country; that she is following and putting constantly into action a policy inspired by the principle of maintaining peace among all nations.

Italy has succeeded in coming to a direct understanding with the country of the Serbs, Croats, and Slovenes, and in order to attain this result she has made considerable sacrifices in the interest of the peace of Europe. Italy has pursued towards the countries succeeding her former enemies a policy not only of pacification but of assistance. And when a conflict arose between Austria and Hungary, a conflict which might have dragged the

Danubian peoples into war, she offered her friendly offices to the two countries in order to settle the dispute. Italy has succeeded, and in so doing has actively contributed to the peace of Europe.

Moreover, Italy has acted similarly within her own frontiers, and has reduced her armed forces in the largest possible measure. Her naval expenditure, compared with that before the war, has been considerably curtailed. The total amount of her armed forces does not exceed 200,000 men, and a further reduction to 175,000 men is already planned. To this number there are only to be added about 35,000 colonial troops.

Our ordinary war budget for the present financial year amounts to \$52,680,000, including \$11,000,000 expenses for police forces; the extraordinary part of the war budget, representing expenses incurred in the liquidation of the war—expenses, therefore, of a purely transitory character—amounts to \$62,000,000.

However, although we have already reduced our armaments to the greatest possible extent, we consider it indispensable to a complete solution of the problem of limitation of armament in Europe, to take into consideration as well the armaments of the countries either created or transformed as a result of the war. The problem is not a simple one and must be considered as a whole; it is a serious and urgent problem for which an early solution is necessary.

Gentlemen, I think I have said all that is necessary to explain the Italian point of view. The United States of America, in calling this Conference, have taken a great and noble initiative with the aim of creating sound guaranties for the safeguarding of the peace of the world.

Allow me to express the desire and the hope that the Conference, while considering the present difficulties, may also give all its attention to the problem of the limitation of land armaments, the solution of which is an essential condition for creating, throughout the world, that atmosphere of peace without which it would be hopeless to expect that the economic and social reconstruction of the nations which have suffered more severely during and after the war may be fulfilled. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Baron Kato. (*Applause.*)

ADMIRAL BARON KATO (*speaking in Japanese*): Mr. Chairman and Gentlemen:

It is needless for me to assure Mr. Briand that Japan has nothing but a most profound sympathy for France's peculiarly difficult position which has been so clearly and so eloquently presented to us this morning. May I venture also to add Japan's appreciation of, and sympathy for, the great sacrifices in men and wealth made by

France, the British Empire, Italy, the United States, and Belgium in the great war for the cause of peace, justice, and humanity.

I would like to say this morning just a few words on land armament limitation. Japan is quite ready to announce her hearty approval of the principle which aims to relieve the nations of heavy burdens by limiting land armaments to those which are necessary for national security and the maintenance of order within their territories. (*Applause.*)

The size of the land armaments of each State should be determined by its peculiar geographical situation and other circumstances, and these basic factors are so divergent and complicated that an effort to draw final comparisons is hardly possible. If I may venture to say so, it is not an easy task to lay down a general scheme for the limitation of land armaments, as in the case of limitation of naval armaments. Nevertheless, Japan has not the slightest intention of maintaining land armaments which are in excess of those which are absolutely necessary for purely defensive purposes, necessitated by the Far Eastern situation. (*Prolonged applause.*)

THE CHAIRMAN (*speaking in English*): The Belgian Ambassador.

BARON DE CARTIER (*speaking in French*): Mr. Chairman, while I am still under the spell of the thrilling and convincing speech delivered by Mr. Briand, I should like to state briefly the point of view of Belgium on the question of limitation of land armaments.

Belgium, trusting in the assurance given by the Powers which guaranteed her neutrality, remained for three-quarters of a century faithful to a policy of peace and limitation of armaments. The tragical events of 1914 were for her a terrible awakening. While she was aspiring to nothing but peace, while she was only anxious to fulfill her duties as a neutral State, war was carried on her own territory by two Powers which had taken an engagement not only to respect her neutrality but to see that that neutrality was respected. Devastation, fire, wanton and systematic destruction of her industries, murder of her inhabitants, deportation of civilian population, heavy losses in her gallant army, were the reward of her peaceful attitude and of her policy of restriction of armaments.

The Treaty of Versailles put an end to that régime of neutrality which events had proved to be worthless and dangerous for her. Owing to her special geographical position, Belgium is compelled to direct her attention towards all measures by which her security may be insured. In 1920 she concluded with France a military agreement, purely for defensive purposes, in case of a new and unjustified aggression on the part of Germany. She keeps

her army down to the minimum necessary for her security; for the time being, and in view of the present state of her international relations, she can not possibly proceed to further reductions. And yet there is perhaps no State more sincerely peace-loving, no State which more cordially hates war, from which we have suffered so much during the course of our whole history.

As King Albert said in the message His Majesty addressed a few days ago to the President of the United States, the whole Belgian nation is longing with all its heart for the moment when, its security being insured, it can definitely enter upon the path of the limitation of armaments. It admires the noble initiative of the Government of the United States and wishes every success to the Conference for the greater benefit of the whole world. (*Applause.*)

THE CHAIRMAN (*speaking in English*): I shall detain you, gentlemen, but a moment. It would not do justice to my own sentiment or to that of my colleagues of the American Delegation if I did not, in a word, take part in this expression of the sense of privilege which has been felt in listening to this brilliant, eloquent, comprehensive, and instructive address stating the position and policy of France.

No words ever spoken by France have fallen upon deaf ears in the United States. (*Applause.*) The heart of America was thrilled by her valor and her sacrifice, and the memory of her stand for liberty is imperishable in this country, devoted to the institutions of liberty. (*Applause.*)

It is evident from what Mr. Briand has said that what is essential at this time, in order that we may achieve the great ideal, is the will to peace. (*Applause.*) And there can be no hope of a will to peace until institutions of liberty and justice are secure among all peace-loving people. (*Applause.*)

May I say, in response to a word which challenged the attention of us all as it was uttered by Mr. Briand, that there is no moral isolation for the defenders of liberty and justice. (*Prolonged applause.*) We understand the difficulties; what has been said will be read throughout this broad land by a people that desires to understand. The essential condition of progress toward a mutual understanding and a maintenance of the peace of the world is that we should know exactly the difficulties which each nation has to consider, that we should be able justly to appraise them, that we should have the most candid and complete statement of all that is involved in them, and then, with that full appreciation of the apprehensions, of the dangers, of all that may create obstacles in the path of the policy that we are most anxious to pursue, we should then plan to meet



the case to the utmost practicable extent; and thus the will to peace may have effective expression. (*Applause.*)

We cannot now go into a statement of detail. Apparently the Conference is so organized that this matter may have an appropriate place in our discussion. We can not foresee at the moment what practical measures may be available, but the expressions that we have heard from the representatives of the Powers engaged in this Conference make us confident that here will be generated that disposition which is essential to national security, the final assurance of security which armies and officers and men and material can never supply (*applause*); that is, the disposition of a world conscious of mutual interests and of the fact that if it so desires—most ardently and wholly desires—peace will be enduring among our peoples. (*Applause.*)

Is it the desire of the delegates that the matters suggested by the addresses that have been made and the subject itself of land armament should now be committed for the consideration of the Committee on the Limitation of Armament, consisting of the plenipotentiary delegates of the five Powers? (*After a pause.*) Assent is manifested, and it will be so ordered.

Is it now in accordance with your wish that we should adjourn subject to the call of the Chair?

(*After a pause.*) Adjourned.

Whereupon, at 2 o'clock p. m., the Conference adjourned subject to the call of the Chair.

## FOURTH PLENARY SESSION.

(Uncorrected text.)

WASHINGTON, SATURDAY, DECEMBER 10, 1921.

The fourth plenary session of the Conference on the Limitation of Armament, in connection with which Pacific and Far Eastern Questions will also be discussed, met at Washington on Saturday, December 10, 1921, at 11 o'clock a. m., in Memorial Continental Hall. The Chairman, the Honorable Charles Evans Hughes, Secretary of State of the United States of America, presided.

THE CHAIRMAN (*speaking in English*): Gentlemen, the minutes of the last session have been distributed and corrections have been given to the Secretary General, and unless there is objection it will be assumed that the minutes as thus corrected stand approved.

(*After a pause*): I have the honor to report to the Conference that most satisfactory progress has been made in the work of the committee appointed to deal with Pacific and Far Eastern questions. That committee, in accordance with the procedure recommended by the Standing Committee on Program and Procedure, at first permitted a general discussion of the questions before the committee and then proceeded to take up the topics specially indicated under the head of Pacific and Far Eastern questions in the tentative agenda proposed by the American Government.

The first subject considered was China. In the course of the general discussion most important declarations were made on behalf of the powers represented, expressing their intention to respect the sovereignty, independence and administrative integrity of China, and also to observe as among themselves the principle of fair and equal opportunity.

It seemed to the committee advisable that before proceeding to a consideration of particular matters indicated by the agenda to which I have referred, this general statement of intention, that is, the sense of the committee with respect to the matters which had been discussed, should be formulated in a definite statement of principle.

Accordingly, at the request of the committee, Mr. Root prepared a statement of these principles and the committee in a resolution adopted them, recommending a statement for formal adoption by the Conference.

There was a general discussion in the committee, and as all the delegates to the Conference are members of that committee, I assume that it is not desired that there should be a general discussion here. But it is important, I take it, that at this opportunity, the first one that has been presented since the action of the committee, the recommendation of the committee should be acted upon by this Conference.

The resolution adopted by the committee and recommended, as I have said, is this:

"It is the firm intention of the Powers attending this Conference hereinafter mentioned, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal—

"1. To respect the sovereignty, the independence and the territorial and administrative integrity of China.

"To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

"3. To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

"4. To refrain from taking advantage of the present conditions in order to seek special rights or privileges which would abridge the rights of the subjects or citizens of friendly states and from countenancing action inimical to the security of such states."

It is hardly necessary to point out the great importance of this declaration. It is, in truth, a charter containing an assurance to China of protection from acts in derogation of her sovereignty and independence and administrative autonomy, and also an assurance that as between the Powers there will be a careful observance of the principle of free and equal opportunity in matters relating to China and that no one will seek special advantages or privileges at the expense of the rights of others.

As I have said, this has been so fully discussed by the delegates that I assume that all that is necessary is to have your formal assent recorded here in the proceedings of the Conference; and while this declaration is a declaration of the Powers other than China, I think it would be quite appropriate, as it is a resolution presented to the Conference, to invite China's assent as well. If this course is agreeable to you, I shall ask for the assent of the Powers to this resolution.

I call for the assent of the Powers through their representatives.

The United States of America assents.

Belgium t

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire t

MR. BAUFORD: Assents.

THE CHAIRMAN: China?

DR. SZE: Assents.

THE CHAIRMAN: France?

MR. VIVIANI: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER VAN KARNEBECK: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): The Committee on Pacific and Far Eastern Questions, after the adoption of this recommendation, proceeded to deal with the matters listed on the agenda proposed by the American Government.

The first of these in relation to China was territorial and administrative integrity. As the first principle adopted fully covered, so far as a general statement could cover it, that matter, the committee proceeded to deal with special instances which were brought to its attention; that is to say, special matters which seemed to call for consideration in the application of this principle. In the course of the discussion before the committee, that is, the general discussion, there had been presented on behalf of China a series of propositions for the consideration of the committee. One of them, the fifth proposition, was that immediately, or as soon as circumstances should permit, existing limitations upon China's political, jurisdictional and administrative freedom of action were to be removed. Special instances of the limitations which were in contemplation in the presentation of these propositions were brought to the attention of the committee by the representatives of China.

The first of these was the subject of extraterritoriality, and after a full discussion of that matter a resolution was adopted by the committee as follows—and may I interrupt here to say that I should like to have it appear in the record, that the resolution embodying the four principles, prepared by Mr. Root, as I have stated, was adopted by the committee on November 21, 1921, as that is a date to which reference is made in other resolutions of the committee.

The committee, as I said, considered this special matter of limitation of the autonomy of China, and after a full discussion on November 29th adopted the following resolution with respect to extraterritoriality:

“The representatives of the Powers hereinafter named, participating in the discussion of Pacific and Far Eastern

questions in the Conference on the Limitation of Armament—to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands and Portugal—

“Having taken note of the fact that in the Treaty between Great Britain and China dated September 5, 1902, in the Treaty between the United States of America and China dated October 8, 1903, and in the Treaty between Japan and China dated October 8, 1903, these several Powers have agreed to give every assistance towards the attainment by the Chinese Government of its expressed desire to reform its judicial system and to bring it into accord with that of Western nations, and have declared that they are also ‘prepared to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant’ them in so doing;

“Being sympathetically disposed towards furthering in this regard the aspiration to which the Chinese Delegation gave expression on November 16, 1921, to the effect that ‘immediately, or as soon as circumstances will permit, existing limitations upon China’s political, jurisdictional and administrative freedom of action are to be removed’;

“Considering that any determination in regard to such action as might be appropriate to this end must depend upon the ascertainment and appreciation of complicated states of fact in regard to the laws and the judicial system and the methods of judicial administration of China, which this Conference is not in a position to determine;

“Have resolved—

“That the Governments of the Powers above named shall establish a Commission (to which each of such Governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China, and into the laws and the judicial system and the methods of judicial administration of China, with a view to reporting to the Governments of the several Powers above named their findings of fact in regard to these matters, and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China, and to assist and further the efforts of the Chinese Government to effect such legislation and judicial reforms as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality;

“That the Commission herein contemplated shall be constituted within three months after the adjournment of the Conference in accordance with detailed arrangements to be hereafter agreed upon by the Governments of the Powers above named, and shall be instructed to

submit its report and recommendations within one year after the first meeting of the commission;

"That each of the Powers above named shall be deemed free to accept or to reject all or any portion of the recommendations of the Commission herein contemplated, but that in no case shall any of the said Powers make its acceptance of all or any portion of such recommendations either directly or indirectly dependent on the granting by China of any special concession, favor, benefit, or immunity, whether political or economic."

And the further resolution:

"That the non-signatory Powers having by treaty extraterritorial rights in China may accede to the resolution affecting extraterritoriality and the administration of justice in China by depositing within three months after the adjournment of the Conference a written notice of accession with the Government of the United States for communication by it to each of the signatory Powers."

And the further resolution:

"That China, having taken note of the resolutions affecting the establishment of a Commission to investigate and report upon extraterritoriality and the administration of justice in China, expresses its satisfaction with the sympathetic disposition of the Powers hereinbefore named in regard to the aspiration of the Chinese Government to secure the abolition of extraterritoriality in China, and declares its intention to appoint a representative who shall have the right to sit as a member of the said Commission, it being understood that China shall be deemed free to accept or to reject any or all of the recommendations of the Commission. Furthermore, China is prepared to cooperate in the work of this Commission and to afford to it every possible facility for the successful accomplishment of its tasks."

These resolutions have been fully considered and adopted by all the delegates in the committee, and I take it, if there is no objection, we are ready to proceed to their formal adoption in this Conference.

I shall then ask the assent of the powers.

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. VIVIANI: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER VAN KARNEBEEK: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): Under the same heading, that is, with respect to the limitation on the administrative autonomy of China, other matters have been considered and are still in the course of discussion. Certain action has been taken by the committee, but I am advised that it is premature to make a report upon those points at this time.

Following that discussion there was a further discussion under the same general head of the eighth proposal made by the representatives of China to the committee, to wit, "China's rights as a neutral are to be fully respected in future wars to which she is not a party."

That proposition was adopted by the full committee.

Are you ready to give assent to that?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. VIVIANI: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER VAN KARNEBECK: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): Then followed a consideration under the same general topic of the third proposal, of the proposal submitted to the committee by China, as follows:

"With a view to strengthening mutual confidence and maintaining peace in the Pacific and the Far East, the Powers agree not to conclude between themselves any treaty or agreement directly affecting China or the general peace in these regions, without previously notifying China and giving to her an opportunity to participate."

There was a full discussion of the matter involved and a general expression of desire fully to aid China in the establishment and maintenance of a stable and efficient

government, while at the same time it was recognized that the general freedom of the treaty-making power of the respective Governments could not well be limited in matters that were in no sense in derogation of the principles that had been adopted, and hence were not in any way of a character to operate adversely to the interests and rights of China. Accordingly, after discussion, the following resolution was adopted for recommendation to this Conference:

"That the Powers attending this Conference, hereinafter mentioned, to wit, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, declare that it is their intention not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or individually or collectively with any power or powers, which would infringe or impair the principles which have been declared by the resolution adopted November 21st by this Committee."

That being the resolution first presented here and adopted in this Conference. Are you ready to give assent to this resolution?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. VIVIANI: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER VAN KARNEBEEK: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted. (*Applause.*)

THE CHAIRMAN (*speaking in English*): I may add that the discussion of the questions relating to China is still in progress in the committee which deals with Pacific and Far Eastern questions, and it is hoped, or perhaps I may venture to express for myself the hope, that these resolutions already adopted and the consideration of other matters that are before the committee and will be brought before this Conference, may lead to an appropriate agreement in which all the Powers represented here may participate and to which possibly others may desire to adhere and may have the



opportunity to adhere, and which will deal generally with the questions relating to the Far East and to policies in reference to China and also with respect to the territorial status of the countries concerned. May I hope at least that something of that sort may be the result of our deliberations? (*Applause.*)

I shall now ask Senator Lodge to make a communication to the Conference with respect to a matter which is not strictly within the agenda, but which should be made known to the Conference at this first opportunity. (*Applause.*)

SENATOR LODGE (*speaking in English*): Mr. Chairman, and Gentlemen of the Conference, I should be insensible, indeed, if I did not feel deeply gratified by the opportunity which has come to me to lay before the Conference the draft of a treaty, the terms of which have been agreed upon by four of the great powers of the earth in regard to the islands of the Pacific, which they control, either as possessions or dominions. I will begin by reading to the Conference the treaty, which is both brief and simple, and yet I am sure is full of meaning and importance to the world's peace:

"The United States of America, the British Empire, France, and Japan—

"With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean—

"Have determined to conclude a treaty to this effect and have appointed as their plenipotentiaries—

"The President of the United States of America, . . .

"His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, . . .

"And for the Dominion of Canada, . . .

"For the Commonwealth of Australia, . . .

"For the Dominion of New Zealand, . . .

"For India, . . .

"The President of the French Republic, . . .

"His Majesty the Emperor of Japan, . . .

"Who having communicated their full powers, found in good and due form, have agreed as follows:

# I.

"The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

"If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to

affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

## II.

"If the said rights are threatened by the aggressive action of any other Power, the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

## III.

"This agreement shall remain in force for ten years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the High Contracting Parties to terminate it upon twelve months' notice.

## IV.

"This agreement shall be ratified as soon as possible in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate."

The signing of this treaty is, on the part of the United States, subject to the making of a convention with Japan concerning the status of the island of Yap and what are termed the mandated islands in the Pacific Ocean north of the Equator, the negotiations in regard to which are almost concluded, and also to the reservations with respect to what are termed the mandated islands in the Pacific Ocean south of the Equator.

It should also be observed that the controversies to which the proposed treaty refers do not embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

The Conference will perceive that I spoke correctly when I referred to the terms of the treaty as simple. To put it in a few words, the treaty provides that the four signatory powers will agree as between themselves to respect their insular possessions and dominions in the region of the Pacific, and that if any controversy should arise as to such rights all the high contracting parties shall be invited to a joint conference looking to the adjustment of such controversy. They agree to take similar action in the case of aggression by any other power

upon these insular possessions or dominions. The agreement is to remain in force for ten years, and after ratification under the constitutional methods of the high contracting parties the existing agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. And that is all. Each signer is bound to respect the rights of the others and before taking action in any controversy to consult with them. There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses.

The surest way to prevent war is to remove the causes of war. This is an attempt to remove causes of war over a great area of the globe's surface by reliance upon the good faith and honest intentions of the nations which sign the treaty, solving all differences through the processes of diplomacy and joint consideration and conciliation. No doubt we shall hear it said that the region to which this agreement applies is one most unlikely to give birth to serious disputes, and therefore an agreement of this character is of little consequence. History unhappily has shown that there is no corner of the earth so remote or so valueless that it is not capable of giving cause for controversy or even for war between the tribes and the nations of mankind. But the islands of the Pacific, although remote from the dwelling places of the mass of humanity, are far from valueless. The islands of the southwestern Pacific extend over a vast space in that great ocean. They reach from the Marquesas on the east to the Philippines on the west; from the Aleutian Islands on the north nearly to the Antarctic Circle on the south. They are far more numerous than is generally realized. I do not know what the total number is, but I am informed as to the Philippines, and it appears that this group alone contains over 3,100 islands, of which 1,600 have names. We have all probably heard of the remark of Robert Louis Stevenson, when on leaving one of the Pacific islands he was asked how he was going to Samoa. He replied that he should just go out and turn to the left. These islands are, comparatively speaking, so dense that we might describe them in the words of Browning as the

"Sprinkled isles,  
"Lily on lily that o'erlace the sea—"

And yet the region through which they are scattered is so vast that the isles of Greece and the Aegean Sea, so famous in history and in poetry, could easily be lost therein and continue unnoticed except by wandering seamen or stray adventurers. They range from Australia, continental in magnitude, to atolls where there are no dwellers but the builders of the coral reefs or lonely rocks marking the peaks of mountains which rise up from the

ocean's floor through miles of water before they touch the air. To the western and the eastern world alike most of the islands of the southwestern Pacific are little known. There still lingers about them the charm so compelling and so fascinating which an undiscovered country has for the sons of men who are weary of main-traveled roads and the trampled highways of trade and commerce which cover the surface of the patient earth. Upon these islands still shines the glamor of romance in the stories of Melville and the writings of Robert Louis Stevenson, to whom the South Seas gave both a grave and a monument imperishable as his own fame.

But the Pacific islands are much more than this. They possess certain qualities other than natural beauty and romantic charm, which to many minds are more enticing. The larger ones are rich in many ways, fertile in the gifts of soil and climate and in other forms of riches desired by men, which extend from the untold mineral resources of Australia to the pearls which are brought from the depths of the ocean. There are among them all great areas of forest and of plain fit for the support and prosperity of civilized man. In a word, they have a very great material value, largely undeveloped; and where this condition exists the desires of men will enter; and conflicting human desires have throughout recorded history been breeders of war.

Thus far the wastes of the Pacific Ocean with all the crowding islands, except on the edges of the continents, have not been the scene of great wars; and yet not many years have passed since three great nations sent their warships to Samoa because there was a dispute in regard to those distant islands. Therefore an agreement among the nations controlling these islands has a very serious importance to the peace of the world. We make the experiment here in this treaty of trying to assure peace in that immense region by trusting the preservation of its tranquillity to the good faith of the nations responsible for it. The world has just passed through a war the very memory of which makes us shudder. We all believe deep in our hearts that this hideous destruction of life, this suffering and ruin which still beset us, must not be permitted to come again if we can prevent it. If the nations of the earth are still in the innermost recesses of their consciousness planning or dreaming of coming wars and longing for conquests, no treaties of partition and no alliances can stay them; but if, as I firmly hope, the world has learned a frightful lesson from the awful experiences of the Great War of 1914, then our surest appeal in order to prevent wars in the future must be to the hearts, the sympathies, the reason, and the higher impulses of mankind.

Such an appeal we make today by this agreement among four great nations. We rely upon their good faith

to carry out the terms of this instrument, knowing that by so doing they will prevent war should controversies ever arise among them. If this spirit prevails and rules we can have no better support than the faith of nations. For me, I devoutly believe the spirit of the world is such that we can trust to the good faith and the high purposes which the treaty I have laid before you embodies and enshrines.

Agreements of this kind I know have often been made before, only to fail. But there has been a far-reaching change in the mental condition of men and women everywhere. That which really counts is the intention of the nations who make the agreement. In this hour of trial and darkness which has followed the war with Germany the spirit of the world is no longer the same. If we enter upon this agreement, which rests only upon the will and honor of those who sign it, we at least make the great experiment and appeal to the men and women of the nations to help us sustain it in spirit and in truth.

(*Applause.*)

THE CHAIRMAN (*speaking in English*): Mr. Viviani.

MR. VIVIANI (*speaking in French*): Gentlemen, in the name of the Government of the French Republic, which today has conferred on me its authority and which speaks through my voice, I assent, without reticence and without reservation, to everything implied in the agreement just read by Mr. Lodge, who has followed it up with an analysis at once so simple and so powerful.

(*Applause.*)  
The moment that the final ratifications have been exchanged here, France will assume the obligations growing out of this pact, just as she will exercise the rights conferred on her by it. Amid this gathering of nations whose custom it is to honor their signature, I am entitled to say, speaking of this treaty, that France is in her rightful place here. France, who throughout the entire course of her history has scrupulously fulfilled her obligations and only a few years since offered up the blood of her sons that her plighted word might be kept.

We have been enlightened as to the juridical and diplomatic value of this agreement by the simple words of Mr. Lodge's analysis. It is fitting, however, to pause a moment, if only to mark the unity of our purpose. We fully understand that four great Powers bind themselves to respect their mutual rights as far as the islands and dominions of the Pacific are concerned; we understand that if some controversy should loom up on the horizon which cannot be settled through the ordinary workings of diplomacy, these Powers shall take counsel together; we understand that should the rights of these Powers be imperilled by the aggressive action of another Power,

measures would be taken to meet this situation. The treaty provides for a duration of ten years. At the moment of its ratification the Anglo-Japanese alliance comes to an end.

So much for the juridical value of this document. We should, however, be remiss indeed—we should be slighting the open-handed and sumptuous hospitality offered us by America and failing in our manifest duty, if we did not attempt to stress the moral worth of the agreement and thereby give this memorable day its true historic character. This moral value has just been alluded to by Mr. Lodge; he has pointed out that when four great Powers are determined that peace shall prevail in a given part of the world, the concert of these Powers, without provision for naval or military action, is all that is needed to assure the preservation, the guaranty and the protection of that peace; and I say here, in this illustrious hall, in this tribune so exalted that however feeble may be the voice speaking here it will be heard throughout the universe, that it is a good thing that this example of cohesion has been given the world. Now that the pact has been read, now that our signatures are united and the community of our consciences and purposes has been affirmed, I am more than ever justified in saying that this Conference, to which we have had the honor of being invited, in which we are proud to play a part, has proved itself fully successful.

Let me say, however, that when the call of America reached us, when we replied to that call by a direct acceptance, by our presence here, we knew that we were bound to run certain risks. Mr. Lodge, in the eloquent speech which he has just read, has alluded to them not without sadness. We must look facts in the face. Ever since the Armistice a sort of tragic disillusionment has been striking into the souls of the peoples as they compared their sacrifices with the results of these sacrifices and wondered whether the triumph of justice has been commensurate with their efforts. And what was to come out of this Conference? Was it to be merely one more meeting, one more consultation? What would issue from it—light or darkness? We have just heard the reply to this question. I may say here that, thanks to the limitation of naval armament, thanks to the treaty which has brought us together, it is proved that the Conference has fully succeeded and that the peoples of the earth may now believe in intellectual progress, in moral progress and in the progress of conscience.

You have reminded us, Mr. Lodge, that our treaty deals with vast remote regions, and you have uttered the wish that this same will to peace might be extended to other parts of the world. We Frenchmen, at any rate, can not turn deaf ears to such words—we who represent a country ravaged by a hideous and ghastly war which has

filled the land with mourning and covered our soil with fifteen hundred thousand tombs, so thickly strewn that we know not whether the miserly Spring will give us flowers enough to adorn the graves of our dead. No word exists which could be better received by French ears than the word "peace."

As for the War, France left nothing undone which might avert it. I who am now speaking to you was head of the Government during those crucial hours; on July 31, 1914, I took the responsibility, unparalleled in all history, of ordering the French armies to withdraw for a space of ten kilometers from our frontier; for the sake of avoiding the conflict, I delivered over to the enemy a part of the soil of my country; I took the responsibility of being the last to order mobilization in a Europe driven to arms; I waited until the last hour, the last minute, as long as the faintest glow of hope remained. Then we were forced to take up our arms and do battle once more for justice, to fight not only for France and her honor, but for the liberty of the world and the fate of civilization.

Now our arms have been thrown down. But allow me I have no wish to speak here in the name of the other nations of Europe, though I feel sure that the words of my colleagues, were they to utter them, would harmonize with my own—allow me, I say, to make one observation: we do not ask you to take part in the affairs of Europe; we respect the national sovereignty of America; but if you judge us, have faith in us and pass sentence with justice. That old Continent of Europe has been tormented for twenty centuries by every passion—political, religious, national and international; the blood and tears of mankind have been poured out over her in floods; her frontiers have been trampled under foot; storms of hatred have raged from one end of Europe to the other; and, as a finishing touch, this great shameful war, of which you have spoken, has heaped up its material and moral devastation in every country. A war, did I say? It was no war. You did not take part in a war, but in a revolution. We have laid low militarism and autocracy; we have raised up from the tomb, towards life and light, young peoples which are still untrained and which must yet pass through the novitiate of liberty. In view of all this, how could you expect that we should instantly regain our balance; how could you expect that peace should return to Europe; how could you fail to see that hatred and difficulties must still linger, just as the surface of the ocean remains troubled even though the tempest has passed? Have faith in us. Already we have taken heart through our contact with you.

The men who are gathered here, who have had the stern task of taking up arms for justice's sake, and that other unexpected task of being forced to organize a shattered society, pledge themselves to leave nothing

undone in order that universal peace may prevail between men and nations and that this peace may become final. But it must be understood that peace will never be final until justice shall have been satisfied. (*Prolonged applause.*)

THE CHAIRMAN (*speaking in English*): Mr. Balfour.

MR. BALFOUR (*speaking in English*): Mr. Chairman and Gentlemen of the Conference, you have heard an exposition by Senator Lodge of the contents of this treaty, admirable in its clarity, perfect in its literary form, and you have just heard the way in which this treaty strikes a great Frenchman in its world relations; you have heard his views, in an eloquent speech by one of the greatest masters of eloquence now living. (*Applause.*)

So far as I am concerned, I would most gladly leave the matter in their hands, for I have nothing to add to what they have said upon the general aspects of the treaty. If I rise to occupy your attention for one or two moments it is not to deal with the treaty in its entirety, but merely to say something about one clause in that treaty in which only my friends from Japan and the British delegation can regard themselves as immediately interested, although I think it touches, in truth and in reality, the interests of the whole world.

You will all have noticed that clause four provides that when this treaty receives its ratification at the hands of the signatory Powers, at that moment the treaty between Japan and Great Britain comes to an end. Now, I am perfectly well aware that the treaty between Great Britain and Japan has been the cause of much searchings of heart, of some suspicions, of a good deal of animadversion in important sections of opinion in the United States, and I think that from the historical point of view that attitude may at first cause surprise, for certainly nothing was further from the thoughts of the original framers of the treaty between Japan and Great Britain than that it could touch in the remotest way, either for good or for evil, the interests of the United States. The United States seemed as remote from any subject touched in the original agreement, as Chile or Peru.

Now what has caused the change in what I think was the original view taken in the United States by all sections of opinion? To what is it that the change of opinion is due? I think it is due to the fact that a state of international tension did arise in the Pacific area—and I hope I may incidentally say that it is now forever set at rest. (*Applause.*)—but at all events it did arise in the area of the Pacific Ocean, and critics in the United States began to say to themselves, "Why is there this treaty between Japan and Great Britain? What further interest does it serve?" They called to mind the fact that it originally came into being on account of the



aggressive attitude taken in Far Eastern affairs by Russia and by Germany, and they asked themselves, "Is there any further danger from Russia? Is there any further peril to be feared from Germany?" And when they answered that question, as of course they were obliged to answer it, in the negative; when they perceived that the practical objects for which the Anglo-Japanese Alliance was brought into being no longer existed, that history had wiped them out, they said to themselves, "Why, then, is this treaty continued? May it not in certain conceivable eventualities prove hampering and injurious in case strained relations should become yet more strained?"

I understand that point of view; but there is another point of view which I want you to understand, and with which even those who disagree with it will sympathize. There is no audience that I would rather appeal to than an American audience on the point I am just going to mention. This treaty, remember, was not a treaty that had to be renewed; it was a treaty that ran until it was formally denounced by one of the two parties to it. It is true that the objects for which the treaty had been created no longer required international attention. But, after all, that treaty (or its predecessors) had been in existence within a few days of twenty years. It had served a great purpose in two great wars. It had stood the strain of common sacrifices, common anxieties, common efforts, common triumphs.

When two nations have been united in that fiery ordeal, they cannot at the end of it take off their hats one to the other and politely part as two strangers part who travel together for a few hours in a railway train. Something more, something closer, unites them than the mere words of the treaty; and, as it were, gratuitously and without a cause to tear up the written contract, although it serves no longer any valid or effective purpose, may lead to misunderstandings in one nation just as much as the maintenance of that treaty has led to misunderstandings in another. Great Britain therefore found herself between the possibilities of two misunderstandings; a misunderstanding if she retained the treaty, a misunderstanding if she denounced the treaty; and we have long come to the conclusion that the only possible way out of this impasse, the only possible way of removing those suspicions and difficulties which are some of the greatest obstacles to that condition of serene peace which is the only tolerable condition, after all, for civilized people, was that we should annul, merge, destroy, as it were, this ancient and outworn and unnecessary agreement and replace it by something new, something effective, which should embrace all the Powers concerned in the vast area of the Pacific. (*Applause.*)

I hope that at not too great length I have explained the frame of mind in which my Government approached this difficult problem. The solution is one which gives me a satisfaction which I find it difficult, which I find it impossible adequately to express in words.

It so happens that I was at the head of the British administration which, twenty years ago, brought the first Anglo-Japanese alliance into existence. It so happens that I was at the head of the British administration which brought into existence the entente between the British Empire and France. And through all my life I have been a constant, ardent and persistence advocate of intimate and friendly relations between the two great branches of the English-speaking race. (*Prolonged applause.*) You may well conceive, therefore, how deep is my satisfaction when I see all these four Powers putting their signature to a treaty which I believe will for all time ensure perfect harmony and cooperation between them in the great region with which the treaty deals.

Mr. Chairman, you told us at the beginning of this part of our meeting, most truly, that this treaty did not strictly come within the four corners of the Conference program. That statement was perfectly accurate; but no man or woman who has listened to this discussion, who has heard Senator Lodge read and comment on the treaty, who has heard Mr. Viviani's elequent statement of the effect it has produced on his country, can consider the substance and matter of the treaty itself without seeing that whether or not it be within the strict program of our Conference, nothing is more germane to its spirit, and nothing that we could possibly have done would better prepare the way for that diminution of naval armament which I hope will be one of our greatest triumphs. (*Prolonged applause.*)

THE CHAIRMAN (*speaking in English*): Prince Tokugawa? (*Applause.*)

PRINCE TOKUGAWA (*speaking in English*): Mr. Chairman and Gentlemen, although it is unnecessary to add to what has already been said by Senator Lodge, Mr. Viviani and Mr. Balfour, I hope, Mr. Chairman, I shall be permitted to say a few words.

The terms of the important pact assuring mutual security and friendship have just been made known. It is needless for me to say that all Japan will approve the consummation of this work. (*Applause.*) Japan will rejoice in this pledge of peace upon the Pacific Ocean. (*Applause.*)

As to the Anglo-Japanese agreement which is soon to terminate, I desire to associate myself with the words of appreciation so ably expressed by our distinguished colleague, Mr. Balfour (*applause*), with respect to the glo-

rious service which that agreement has done for the preservation of peace and liberty. (*Prolonged applause.*)

THE CHAIRMAN (*speaking in English*): Senator Schanzer. (*Applause.*)

SENATOR SCHANZER (*speaking in English*): Mr. Chairman and Gentlemen of the Conference, the Italian Delegation is very much gratified by the public announcement of the agreement reached between the four great Powers having insular possessions in the Pacific Ocean, which was courteously communicated to us previously to its conclusion.

Any measure aiming at the creation of guaranties for the safeguard of peace in the world cannot but meet with our fullest consent. The principles involved in the agreement are entirely in accordance with the main lines of policy inspired by the high aim of the peaceful elimination of conflicts between nations.

We therefore express our full confidence that this agreement will represent the most firm and lasting guaranties for the safeguarding of peace in the Pacific. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Mr. van Karnebeek.

JONKHEER VAN KARNEBEEK (*speaking in English*): Mr. Chairman, may I say a few words in addition to those which have already been spoken by others?

I feel that this is a great meeting. It is a meeting, Mr. Chairman, in which you have been able to produce the first results of the fruitful international collaboration which you have directed, and you have been able at the same time to explain those results and commend them to a world which is eagerly listening. Mr. Chairman, you have referred to the resolutions with respect to China. We have assented, and we have done it in the fullest sympathy with the spirit which has animated the Conference. In the second place, public announcement has been made of the treaty which is going to be concluded between the United States of America, the British Empire, France and Japan. Mr. Chairman, I want to seize this opportunity to state that I feel that in my country, Holland, this treaty will be received with great sympathy, because in that country it will be felt that it constitutes and embodies an endeavor to promote peace and tranquility in these far-off regions neighboring the Netherland's possessions. We feel that it is an endeavor which may be a new and a happy beginning in the world's history, and for which you, Mr. Chairman, among others, may be sincerely congratulated.

When as a corollary to this treaty, Mr. Chairman, the resolutions concerning China shall have finally been incorporated in a general understanding of policy of all the Powers interested, and such understanding extended to such matters as you have mentioned in connection

with the status quo in general, then, Mr. Chairman, a great step will have been taken on the ascending road which leads to the restoration of confidence, and restoration of confidence, Mr. Chairman, I believe, is what the world wants and what we are here for. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Mr. Sze.

MR. SZE (*speaking in English*): Mr. Chairman and Gentlemen, I rise to associate myself with the previous speakers in expressing great satisfaction at the results that have already been accomplished by this Conference.

The Chinese Delegation notes with gratification the intention of the Powers agreeing to the draft treaty reported this morning to preserve general peace and to adjust by peaceful means all matters of controversy that may arise between them with reference to their rights in relation to their insular possessions and insular dominions in the region of the Pacific.

The Chinese Delegation anticipates, as indicated by our distinguished Chairman, that this agreement will be supplemented by a further convention to which all the Powers, including China, will be parties (*applause*), which will adjust conditions in the Far East upon a basis satisfactory to all the Powers, and which it is hoped will provide for the amicable settlement of any future controversies that may arise.

The Chinese delegation has been greatly impressed by the friendliness with which the discussions in the Conference on the proposals by us, as on other matters, have been carried on, and it is convinced that a satisfactory solution can be found for the remaining questions which represent Chinese sovereignty and her legitimate aspirations. China, for her part, will do what she can to bring this about, and will at all times give her whole-hearted help in the maintenance of the most friendly relations between herself and the other Powers and thus add to the effort for the preservation of peace in the Pacific and the Far East. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Baron de Cartier. (*Applause.*)

BARON DE CARTIER (*speaking in French*): Gentlemen, I consider it an honor to concur with all my heart in the eloquent words which have just fallen from the lips of our honorable colleagues and which have given to this great historic day its full value and its full bearing. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Viscount d'Alte. (*Applause.*)

VISCOUNT D'ALTE (*speaking in English*): Mr. Chairman and Gentlemen, I can add but little to all that my distinguished colleagues who sit around this table have so ably said today; but I may perhaps be forgiven if I endeavor to draw attention to a notable feature of the

agreement which has today been the object of our thoughts. Even more than the words in which it is written, it is the spirit in which this memorable agreement was conceived that will fill the whole civilized world with high hopes for the future. It would of course be easy to evade any of the clauses of the treaty of which I am speaking; it would even seem as if the men who have drafted it have tried to signify that they did not place their main reliance and the achievement of their aims in a long series of carefully worded clauses. Only four Powers who repose the most implicit trust in the honor and integrity of each other could sign a treaty such as this. And it is this fact that gives the agreement its tremendous binding power. The confidence so fully given, no nation would dare to betray. (*Prolonged applause.*)

THE CHAIRMAN (*speaking in English*): Gentlemen, we have been dealing with a very simple paper. Probably you would not be able to find an international document couched in more simple or even briefer terms; but we are again reminded that the great things are the simple ones. I firmly believe that when this agreement takes effect we shall have gone further in the direction of securing an enduring peace than by anything that has yet been done. (*Applause.*)

May I announce before the adjournment that the General Committee on Pacific and Far Eastern Questions will resume its sessions on Monday next at 11 o'clock, and if it is agreeable to you we shall now adjourn subject to the call of the Chair to resume our labors, in order that we may accomplish still more in the further achievement of a fair cooperation, without derogating from the proper liberty of any Nation and in order to obtain, in all the matters that are within the range of our examination in this Conference, the fullest satisfaction of natural and legitimate aspirations, while at the same time we shall conserve the fundamental interest of peace and assure for the future that there will be tranquillity in this war-weary world. (*Prolonged applause.*)

Whereupon, at 1:17 o'clock p. m., the Conference was adjourned subject to the call of the Chair.

## FIFTH PLENARY SESSION.

(Uncorrected text.)

WASHINGTON, FEBRUARY 1, 1922.

The Fifth Plenary Session of the Conference on the Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, was held at Washington on Wednesday, February 1, 1922, at 11 o'clock a. m., in Memorial Continental Hall. The chairman, the Hon. Charles Evans Hughes, Secretary of State of the United States of America, presided.

THE CHAIRMAN (*speaking in English*): The minutes of the last Plenary Session have been distributed, and I understand that all desired corrections have been made. Unless there is objection, it will be recorded that the minutes of the last Plenary Session stand approved.

I hear no objection and it is so ordered.

The committee of the Conference which has been dealing with Pacific and Far Eastern questions has continued its discussion of matters relating to China and has adopted several resolutions which it recommends to the Conference for its adoption formally.

I report from the committee the resolution adopted on December 12, 1921, in relation to foreign postal agencies. It reads as follows:

### "FOREIGN POSTAL AGENCIES.

"A. Recognizing the justice of the desire expressed by the Chinese Government to secure the abolition of foreign postal agencies in China, save or except in leased territories or as otherwise specifically provided by treaty, it is resolved:

"(1) The four Powers having such postal agencies agree to their abandonment subject to the following conditions:

"(a) That an efficient Chinese postal service is maintained;

"(b) That an assurance is given by the Chinese Government that they contemplate no change in the present postal administration so far as the status of the foreign Co-Director General is concerned.

"(2) To enable China and the Powers concerned to make the necessary dispositions, this arrangement shall come into force and effect not later than January 1, 1923.

"B. Pending the complete withdrawal of foreign postal agencies, the four Powers concerned severally under-

take to afford full facilities to the Chinese customs authorities to examine in those agencies all postal matters (excepting ordinary letters, whether registered or not, which upon external examination appear plainly to contain only written matter) passing through them, with a view to ascertaining whether they contain articles which are dutiable or contraband or which otherwise contravene the customs regulations or laws of China."

THE CHAIRMAN (*speaking in English*): Do you desire to discuss it?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): The following resolution is reported from the committee, as adopted by it on January 5, 1922, in relation to armed forces in China. It reads:

"Whereas the Powers have from time to time stationed armed forces, including police and railway guards, in China to protect the lives and property of foreigners lawfully in China;

"And whereas it appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

"And whereas the powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement, whenever China shall assure the protection of the lives and property of foreigners in China;

"And whereas China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China;

"Now to the end that there may be clear understanding of the conditions upon which in each case the practical execution of those intentions must depend;

"It is resolved: That the diplomatic representatives in Peking of the Powers now in Conference at Washington, to wit, the United States of America, Belgium,

the British Empire, France, Italy, Japan, The Netherlands and Portugal, will be instructed by their respective Governments, whenever China shall so request, to associate themselves with three representatives of the Chinese Government to conduct collectively a full and impartial inquiry into the issues raised by the foregoing declarations of intention made by the Powers and by China and shall thereafter prepare a full and comprehensive report setting out without reservation their findings of fact and their opinion with regard to the matter hereby referred for inquiry, and shall furnish a copy of their report to each of the nine Governments concerned which shall severally make public the report with such comment as each may deem appropriate. The representatives of any of the Powers may make or join in minority reports stating their differences, if any, from the majority report.

"That each of the Powers above named shall be deemed free to accept or reject all or any of the findings of fact or opinions expressed in the report but that in no case shall any of the said powers make its acceptance of all or any of the findings of fact or opinions either directly or indirectly dependent on the granting by China of any special concession, favor, benefit, or immunity, whether political or economic."

Are you ready to act upon this resolution?

The United States of America assents.

Belgium!

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): On January 5th there was reported and adopted by the committee on Pacific and Far Eastern questions a comprehensive resolution relating to customs duties in China. That question, however, is a special and distinct one, and with the concurrence of the Delegates I shall not report that matter to the Conference at this session, but shall hold it until the proposed convention in relation to customs duties is ready for submission to the Conference.

I hear no objection to that course, and it is so ordered.



On January 18 the committee adopted the following resolution with respect to the open door in China :

**"OPEN DOOR.**

"I. With a view to applying more effectually the principles of the open door or equality of opportunity in China for the trade and industry of all nations, the Powers other than China represented at this Conference agree :

"(a) Not to seek or to support their nationals in seeking any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China ;

"(b) Not to seek or to support their nationals in seeking any such monopoly or preference as would deprive other nationals of the right of undertaking any legitimate trade or industry in China or of participating with the Chinese Government or with any local authority in any category of public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

"It is understood that this agreement is not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial or financial undertaking or to the encouragement of invention and research.

"II. The Chinese Government takes note of the above agreement and declares its intention of being guided by the same principles in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries whether parties to that agreement or not.

"III. The Powers, including China, represented at this Conference agree in principle to the establishment in China of a board of reference to which any question arising on the above agreement and declaration may be referred for investigation and report.

"(A detailed scheme for the constitution of the board shall be framed by the special conference referred to in Article I of the Convention on Chinese Customs Duties)."

In connection with that resolution I shall ask you to consider and act upon a further resolution adopted at the same time by the committee, which reads as follows :

"*Resolved*, That the Signatory Powers will not support any agreements by their respective nations with each other designed to create spheres of influence or to provide for the enjoyment of exclusive opportunities in designated parts of Chinese territory."

Are you ready to act upon these resolutions?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Both resolutions are unanimously adopted.

THE CHAIRMAN (*speaking in English*): On January 19 the following resolution was adopted by the committee and recommended for adoption by the Conference, relating to railways:

"It is desirable that a provision to the following effect be in the Convention on the Open Door in China:

"The Chinese Government declares that throughout the whole of the railways in China it will not exercise or permit any unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

"The other Powers represented at this Conference take note of the above declaration and make a corresponding declaration in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

"Any question arising under this declaration may be referred by any of the Powers concerned to the board of reference, when established, for consideration and report."

In connection with that resolution, I submit to you this further resolution relating to railways in China, recommended by the committee:

"The Powers represented in this Conference record their hope that to the utmost degree consistent with legitimate existing rights, the future development of railways in China shall be so conducted as to enable the Chinese Government to effect the unification of railways into a railway system under Chinese control, with such

foreign financial and technical assistance as may prove necessary in the interests of that system."

Are you ready to act upon these resolutions?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Both resolutions are unanimously adopted.

THE CHAIRMAN (*speaking in English*): On January 20th the committee adopted this resolution and recommended it to the Conference:

#### "REDUCTION OF CHINESE MILITARY FORCES.

"Whereas the Powers attending this Conference have been deeply impressed with the severe drain on the public revenue of China through the maintenance in various parts of the country, of military forces, excessive in number and controlled by the military chiefs of the provinces without coordination.

"And whereas the continued maintenance of these forces appears to be mainly responsible for China's present unsettled political conditions,

"And whereas it is felt that large and prompt reductions of these forces will not only advance the cause of China's political unity and economic development but will hasten her financial rehabilitation;

"Therefore, without any intention to interfere in the internal problems of China, but animated by the sincere desire to see China develop and maintain for herself an effective and stable government alike in her own interest and in the general interest of trade:

"And being inspired by the spirit of this Conference whose aim is to reduce, through the limitation of armament, the enormous disbursements which manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity:

"*It is resolved*, That this Conference express to China the earnest hope that immediate and effective steps may

be taken by the Chinese Government to reduce the aforesaid military forces and expenditures."

Are you ready to pass upon the resolution?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): On the 21st of January the committee adopted the following resolution and recommended it to the Conference:

"The Powers represented in this Conference, considering it desirable that there should hereafter be full publicity with respect to all matters affecting the political and other international obligations of China and of the several Powers in relation to China, are agreed as follows:

"I. The several Powers other than China will at their earliest convenience file with the Secretariat General of the Conference for transmission to the participating Powers a list of all treaties, conventions, exchange of notes, or other international agreements which they may have with China or with any other Power or Powers in relation to China, which they deem to be still in force and upon which they may desire to rely.

"In each case citations will be given to any official or other publication in which an authoritative text of the documents may be found. In any case in which the document may not have been published a copy of the text (in its original language or languages) will be filed with the Secretariat General of the Conference.

"Every treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days of its conclusion to the Powers who are signatories of or adherents to this agreement.

"II. The several Powers other than China will file with the Secretariat General of the Conference, at their earliest convenience, for transmission to the participating Powers a list, as nearly complete as may be possi-

ble, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities, of the other part, which involve any concession, franchise, option, or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involve a lien upon any of the public revenues or properties of the Chinese Government or of any of its administrative subdivisions. There shall be, in the case of each document so listed, either a citation to a published text or a copy of the text itself.

"Every contract of the public character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to this agreement.

"III. The Chinese Government agrees to notify in the conditions laid down in this agreement every treaty agreement or contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any local authority in China with any foreign Power or the nationals of any foreign Power, whether party to this agreement or not, so far as the information is in its possession.

"IV. The Governments of Powers having treaty relations with China, which are not represented at the present Conference, shall be invited to adhere to this agreement.

"The United States Government, as convenor of the Conference, undertakes to communicate this agreement to the Governments of the said Powers, with a view to obtaining their adherence thereto as soon as possible."

Are you ready to act upon this resolution?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHERR BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALMEIDA: Assents.

THE CHAIRMAN: Unanimously adopted.

**THE CHAIRMAN** (*speaking in English*) : On the 7th day of December, 1921, the committee adopted a resolution with relation to radio stations in China. This was re-adopted with accompanying declarations by the committee on January 27. The resolution is as follows:

"The representatives of the Powers hereinafter named participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit: The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal,

"Have resolved,

"1. That all radio stations in China, whether maintained under the provisions of the international protocol of September 7, 1901, or in fact maintained in the grounds of any of the foreign legations in China, shall be limited in their use to sending and receiving government messages and shall not receive or send commercial or personal or unofficial messages, including press matter: Provided, however, that in case all other telegraphic communication is interrupted, then, upon official notification accompanied by proof of such interruption to the Chinese Ministry of Communications, such stations may afford temporary facilities for commercial, personal, or unofficial messages, including press matter, until the Chinese Government has given notice of the termination of the interruption;

"2. All radio stations operated within the territory of China by a foreign government or the citizens or subjects thereof under treaties or concessions of the Government of China, shall limit the messages sent and received by the terms of the treaties or concessions under which the respective stations are maintained;

"3. In case there be any radio station maintained in the territory of China by a foreign government or citizens or subjects thereof without the authority of the Chinese Government, such station and all the plant, apparatus, and material thereof shall be transferred to and taken over by the Government of China, to be operated under the direction of the Chinese Ministry of Communications upon fair and full compensation to the owners for the value of the installation, as soon as the Chinese Ministry of Communications is prepared to operate the same effectively for the general public benefit;

"4. If any questions shall arise as to the radio stations in leased territories, in the South Manchurian Railway Zone, or in the French Concession at Shanghai, they shall be regarded as matters for discussion between the Chinese Government and the Governments concerned;

"5. The owners or managers of all radio stations maintained in the territory of China by foreign powers or citizens or subjects thereof shall confer with the Chinese Ministry of Communications for the purpose of seeking

a common arrangement to avoid interference in the use of wave lengths by wireless stations in China, subject to such general arrangements as may be made by an international conference convened for the revision of the rules established by the International Radio Telegraph Convention signed at London, July 5, 1912."

The following declaration concerning this resolution was adopted by the Powers other than China in the committee:

"The Powers other than China declare that nothing in paragraphs 3 or 4 of the Resolutions of 7th December, 1921, is to be deemed to be an expression of opinion by the Conference as to whether the stations referred to therein are or are not authorized by China.

"They further give notice that the result of any discussion arising under paragraph 4 must, if it is not to be subject to objection by them, conform with the principles of the Open Door or equality of opportunity approved by the Conference."

The Chinese Delegation in connection with this resolution, place the following statement upon the record for submission to the Conference:

"The Chinese Delegation takes this occasion formally to declare that the Chinese Government does not recognize or concede the right of any foreign Power or of the nationals thereof to install or operate, without its express consent, radio stations in legation grounds, settlements, concessions, leased territories, railway areas, or other similar areas."

Are you ready to act upon this resolution and to have these declarations put upon the records of the Conference?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN (*speaking in English*): The resolution is unanimously adopted and the declarations are placed upon the records of the Conference.

THE CHAIRMAN (*speaking in English*): While the work of the Conference and of its committees has been

in progress, conversations have been had between the representatives of China and Japan for the purpose of settling the controversy which had arisen in relation to Shantung. I am happy to be able to announce to the Conference that I have been informed by the representatives of the governments of China and Japan that this controversy has been settled. (*Applause.*)

I now propose to communicate to the Conference the terms of settlement as they have been agreed upon by the representatives of the two governments.

**" 1. THE FORMER GERMAN LEASED TERRITORY OF KIAOCHOW.**

" 1. Japan shall restore to China the former German Leased Territory of Kiaochow.

" 2. The Governments of Japan and China shall each appoint a Commission with powers to make and carry out detailed arrangements relating to the transfer of the administration and of public property in the said territory and to settle other matters equally requiring adjustment. For such purposes, the Japanese and Chinese Commissions shall meet immediately upon the coming into force of the present Agreement.

" 3. The said transfer and adjustment shall be completed as soon as possible, and, in any case, not later than six months from the date of the coming into force of this Agreement.

" 4. The Japanese Government agrees to hand over to the Chinese Government, upon the transfer to China of the administration of the former German Leased Territory of Kiaochow, such archives, registers, plans, title-deeds and other documents, in the possession of Japan, or certified copies thereof, as may be necessary for the said transfer, as well as those that may be useful for the administration by China, after such transfer, of that territory and of the 50 kilometre zone around Kiaochow Bay.

**" 2. PUBLIC PROPERTIES.**

" 1. The Government of Japan undertakes to transfer to the Government of China all public properties, including land, buildings, works, or establishments in the Leased Territory of Kiaochow, whether formerly possessed by the German authorities or purchased or constructed by the Japanese authorities during the Japanese administration of the said Territory, save those indicated in Article — (paragraph 3) of this Treaty.

" 2. In the transfer of such public properties no compensation will be claimed from the Government of China, except (1) for those purchased or constructed by the Japanese authorities, and also (2) for the improvements on or additions to those formerly possessed by the Ger-



man authorities. With regard to cases under these two categories, the Government of China shall refund a fair and equitable proportion of the expenses actually incurred by the Government of Japan for such properties specified in (1) or such improvements or additions specified in (2), having regard to the principle of depreciation and continuing value.

"3. It is agreed that such public properties in the Leased Territory of Kiaochow as are required for the Japanese Consulate to be established in Taingtao shall be retained by the Government of Japan, and that those required more especially for the benefit of the Japanese community, including public schools, shrines, and cemeteries, shall be left in the hands of the said community.

"Details of such matters shall be arranged by the Joint Commission provided for in Article — of this Treaty.

#### " 3. JAPANESE TROOPS.

"The Japanese troops, including gendarmes now stationed along the Taingtao-Tainanfu Railway and its branches, shall be withdrawn as soon as the Chinese police or military force shall have been sent to take over the protection of the railway.

"The disposition of the Chinese police or military force and the withdrawal of the Japanese troops under the foregoing provisions may be effected in sections. The date of the completion of such process for each section shall be arranged in advance between the competent authorities of Japan and China. The entire withdrawal of such Japanese troops shall be effected, if possible, within three months, and, in any case, not later than six months from the date of the signature of the present agreement.

"The Japanese garrison at Tsingtao shall be completely withdrawn, simultaneously, if possible, with the transfer of the administration of the leased territory of Kiaochow to China, and in any case not later than thirty days from the date of such transfer.

#### " 4. THE MARITIME CUSTOMS.

"(1) It is agreed that upon the coming into force of the present Treaty, the Customs House of Tsingtao shall be made an integral part of the Chinese Maritime Customs.

"(2) It is understood that the Provisional Agreement of August 6, 1915, between Japan and China relative to the maritime customs office of Tsingtao will cease to be effective upon the coming into force of the present Treaty.

" 5. THE TSINGTAO-TSINANFU RAILWAY.

" Japan shall transfer to China the Tsingtao-Tsinanfu Railway and its branches, together with all the properties appurtenant thereto, including wharves, warehouses, and other similar properties.

" China, on her part, undertakes to reimburse to Japan the actual value of the Railway properties mentioned in the preceding Paragraph. The actual value to be so reimbursed shall consist of the sum of 53,406,141 gold Marks (which is the assessed value of such portion of the said properties as was left behind by the Germans) "—

I understand that is the assessed value as fixed by the Reparations Commission.

BARON SHIDEHARA (*speaking in English*): Yes.

THE CHAIRMAN (*continuing reading*): " Or its equivalent, plus the amount which Japan, during her administration of the Railway, has actually expended for permanent improvements on or additions to the said properties, less a suitable allowance for depreciation. It is understood that no charge will be made with respect to the wharves, warehouses, and other similar properties mentioned in Paragraph I of this Article, except for such permanent improvements on or additions to them as may have been made by Japan, during her administration of the Railway, less a suitable allowance for depreciation.

" The Government of Japan and the Government of China shall each appoint three commissioners to form a Joint Railway Commission, with powers to appraise the actual value of the Railway properties on the basis defined in the preceding Paragraph, and to arrange the transfer of the said properties.

" Such transfer shall be completed as soon as possible, and, in any case, not later than nine months from the date of the coming into force of the present Agreement.

" To effect the reimbursement under paragraph 2 of this article, China shall, simultaneously with the completion of the transfer of the railway properties, deliver to Japan Chinese Government Treasury notes, secured on the properties and revenues of the railway, and running for a period of fifteen years, but redeemable at the option of China at the end of five years from the date of the delivery of the Treasury notes, or at any time thereafter upon six months' previous notice.

" Pending the redemption of the said Treasury notes, the Chinese Government will select and appoint, for so long a period as the said notes remain unredeemed, a Japanese subject to the post of traffic manager and another Japanese subject to be chief accountant jointly with the Chinese chief accountant with coordinate functions. These officials shall all be under the direction,

control, and supervision of the Chinese managing director, and removable for cause.

"Financial details of a technical character relating to the said Treasury notes, not provided for in this article, shall be determined in mutual accord between the Japanese and Chinese authorities as soon as possible and, in any case, not later than six months from the date of the coming into force of the present agreement.

**" 6. THE EXTENSIONS OF THE TSINGTAO-TSINANFU RAILWAY.**

"It is agreed that the concessions relating to the two extensions of the Tsingtao-Tsinanfu Railway, namely the Tsinanfu-Shunteh and the Kaomi-Hsuchowfu lines, will be thrown open for the common activity of an international financial group, on terms to be arranged between the Chinese Government and the said group.

**" 7. MINES.**

"The mines of Tsechuan, Fangtse and Chinlingchen, for which the mining rights were formerly granted by China to Germany, shall be handed over to a company to be formed by a special charter of the Chinese Government, in which the Japanese capital may not exceed the amount of the Chinese capital.

"The mode and terms of such arrangement shall be determined by the Chinese and Japanese Commissions which are to be appointed for that purpose and which shall meet immediately upon the coming into force of the present Agreement.

**" 8. OPENING OF THE FORMER GERMAN LEASED TERRITORY.**

"The Japanese Government declares that it has no intention of seeking the establishment of an exclusive Japanese settlement or of an international settlement in Tsingtao.

"The Chinese Government, on its part, declares that the entire area of the former German Leased Territory of Kiaochow will be opened to foreign trade, and that foreigners will be permitted freely to reside and to carry on commerce, industry and other lawful pursuits within such area.

"The vested rights lawfully and equitably acquired by foreign nationals in said area whether under the German régime or during the Japanese military occupation, will be respected.

"All questions relating to the status or validity of such vested rights acquired by Japanese nationals shall be arranged by the Sino-Japanese Joint Commission.

" 9. SALT INDUSTRY.

" Whereas the salt industry is a Government monopoly in China, it is agreed that the interests of Japanese companies or Japanese nationals actually engaged in the said industry along the coast of Kiaochow Bay are to be purchased by the Chinese Government on payment of fair compensation and that exportation to Japan of a quantity of salt produced by the said industry along the said coast is to be permitted on reasonable terms. Arrangements for the above purposes, including the transfer of said interests to the Chinese Government, shall be completed by the Chinese and Japanese Commissions as soon as possible and in any case not later than six months from the date of the coming into force of the present Agreement.

" 10. SUBMARINE CABLES.

" Japan declares that all the rights, title, and privileges concerning former German submarine cables between Tsingtao and Chefoo, and between Tsingtao and Shanghai, are vested in China, with the exception of those portions of the said two cables which have been utilized by the Japanese Government for the laying of a cable between Tsingtao and Sasebo; it being understood that the question relating to the landing and operation at Tsingtao of the said Tsingtao-Sasebo cable shall be arranged by the Chinese and Japanese Commissions, subject to the terms of the existing contracts to which China is a party.

" 11. WIRELESS STATIONS.

" The Japanese wireless stations at Tsingtao and Tsinanfu shall be transferred to China upon the withdrawal of the Japanese troops at those two places, respectively, with fair compensation for the value of these stations.

" The details of such transfer and compensation shall be arranged by the Chinese and Japanese Commissions.

ANNEXES.

" I.

" PREFERENTIAL RIGHTS.

" Japan declares that she renounces all preferential rights with regard to foreign assistance in persons, capital, and material, stipulated in the Sino-German Treaty of March 6, 1898.

## " II.

## " PUBLIC ENTERPRISES.

" Enterprises relating to electric light, telephone, stockyard, etc., shall be handed over to the Chinese Government, with the understanding that the stockyard, electric light, and laundry enterprises are, in turn, to be handed over to the municipal government of Tsingtao, which will form Chinese corporations in conformity with the Chinese Company Law to manage them under municipal supervision and regulations.

## " III.

## " TELEPHONES.

" 1. The Japanese Government agrees to turn over to the Chinese Government the telephone enterprise in the former German Leased Territory of Kiaochow.

" 2. As regards such telephone enterprise, the Chinese Government will give due consideration to requests from the foreign community at Tsingtao for such extensions and improvements as may be reasonably required by the general interests of the public.

## " IV.

## " PUBLIC WORKS.

" The Chinese Government declares that in the management and maintenance of the public works in Tsingtao, such as roads, water works, parks, drainage, sanitary equipment, etc., handed over to the Chinese Government by the Japanese Government, the foreign community in Tsingtao shall have fair representation.

## " V.

## " MARITIME CUSTOMS.

" The Chinese Government declares that it will move the Inspector General of the Chinese Maritime Customs to permit the Japanese traders at Tsingtao to communicate with the said customs in the Japanese language; and, in the selection of a suitable staff for the Tsingtao customs, to give consideration within the limits of its established service regulations to the diverse needs of the trade of Tsingtao.

## " VI.

## " THE TSINGTAO-TSINANFU RAILWAY.

" Should the Joint Railway Commission fail to reach an agreement on any of the matter entrusted to its charge, the points at issue shall be taken up by the two Govern-

ment for discussion and adjustment by means of diplomacy.

"In the determination of such points the two Governments shall, if necessary, obtain recommendations of an expert or experts of a third Power or Powers who shall be designated in mutual agreement with each other.

" VII.

" EXTENSION OF THE TSINGTAO-TSINANFU RAILWAY.

"The Japanese Government has no intention of claiming that the option for the construction of the Chefoo-Weihsien Railway should be thrown open for the common activity of the International Financial Consortium if that Railway is to be constructed with Chinese capital.

" VIII.

" OPENING OF THE FORMER LEASED TERRITORY.

"The Chinese Government declares that pending the enactment and general application of laws regulating the system of local self-government in China, the Chinese local authorities will ascertain the views of the foreign residents in the former German Leased Territory of Kiaochow in such municipal matters as may directly affect their welfare and interests."

Permit me to express what I am sure all the Delegates would desire to have expressed, the most cordial congratulations to the representatives of the Japanese and Chinese Governments upon the successful conclusion of these conversations and upon the fact that they have been able to reach a satisfactory basis of agreement with regard to this most serious subject of controversy. (*Applause.*)

BARON SHIDEHARA (*speaking in English*): Mr. Chairman.

THE CHAIRMAN (*speaking in English*): Baron Shidehara. (*Applause.*)

BARON SHIDEHARA (*speaking in English*): Mr. Chairman, it seems fitting and proper that, on behalf of the Japanese Delegation, I should express the profound satisfaction which we all feel at the settlement of this long pending Shantung question. (*Applause.*)

We are especially indebted to Mr. Hughes and to Mr. Balfour for the good offices which they have so graciously tendered to pave the way for direct negotiations between Japan and China with such a happy result. Their invaluable services in that direction will no doubt be forever remembered in the grateful hearts of the Japanese people, (*applause*) and no doubt in the hearts of the Chinese people as well.

Adjustments of this kind, however just and fair to both parties, could hardly be expected in the very nature of things to satisfy every section of people in every country. What is of supreme importance, from a broader scope of vision, is that a vexatious question so long standing between Japan and China should be definitely removed.

The atmosphere of unrest and tension which it has created in the popular mind must be forever set at rest. That desirable end, indeed, has been achieved fully and completely. The Governments of both countries have had to overcome various difficulties in the course of the negotiations. It may, however, be stated that both Japan and China have put forth their best efforts to secure an amicable arrangement of this question. Their efforts have now been amply rewarded. The settlement just reached will show an earnest desire to maintain and to promote friendly relations between the two neighboring nations in the Far East. It will contribute not only to their own happiness and well being, but also to the peace of the world. (*Applause.*)

THE CHAIRMAN (*speaking in English*): I find that I should have read, in connection with this agreement, a statement of understandings which have been recorded in the minutes of the conversation and which forms a part of the conclusions reached.

The understandings are as follows:

"1. It is understood that on taking over the railway, the Chinese authorities shall have full power and discretion to continue to remove the present employees of Japanese nationality in the service of the railway and that reasonable notice may be given before the date of transfer of the railway.

"Detailed arrangements regarding the replacements to take effect immediately on the transfer of the railway to China are to be made by the Chinese and Japanese authorities.

"2. It is understood (1) that the entire subordinate staff of the Japanese traffic manager and of the Japanese chief accountant is to be appointed by the Chinese managing director; and (2) that after two years and a half from the date of the transfer of the railway, the Chinese Government may appoint an assistant traffic manager of Chinese nationality, for the period of two years and a half, and that such assistant Chinese traffic manager may also be appointed at any time after six months' notice for the redemption of the Treasury notes is given.

"3. The Japanese Delegation declare that Japan has no intention to claim that China is under any obligation to appoint Japanese nationals as members of the said subordinate staff.

"4. It is understood that the redemption of the said Treasury notes will not be effected with funds raised from any source other than Chinese."

Mr. SZE (*speaking in English*): Mr. Chairman and gentlemen, I shall first say a brief word with reference to the various resolutions that you have read to this Conference at the beginning of to-day's session. I do not intend, however, to detain you long with statements that the Chinese Delegation had the honor of making in the full committee meeting of the Far Eastern Committee.

I need hardly add that the declarations made by the Chinese Delegation in the committee meeting remain the same. These declarations have already been given out to the public in the official communiques of the committee. I shall, therefore, with your permission, not read those declarations, but simply ask that they be considered as read, and I shall now hand them to the Secretary General.

(The following statements were handed to the Secretary General by Mr. Sze:)

#### "FOREIGN TROOPS IN CHINA."

"With reference to the resolution adopted by the committee on January 5, 1922, with reference to foreign troops in China, the Chinese Delegation made the following declaration:

"The Chinese Delegation takes note of the resolution with regard to the withdrawal of foreign troops from China and expresses its appreciation of the offer of the eight Powers approving this resolution to instruct their respective diplomatic representatives at Peking to associate themselves with representatives of the Chinese Government, when that Government shall so request, in order to conduct collectively a full and impartial inquiry as to the necessity for continuing to maintain foreign armed forces in China. The Chinese Delegation will assume, unless now notified to the contrary, that, should their Government at any future time desire to avail itself of the foregoing offer inquiries and resulting recommendations may be asked for with reference to the presence of foreign armed forces at particular places or in particular localities in China.

"The Chinese Delegation desires further to say with reference to the general matter of maintaining armed forces by a nation or nations within the borders of other States which have not given their express consent thereto, that it is its understanding that, according to accepted principles of international law, the sending or stationing of such forces can rightfully be only a temporary measure in order to meet emergencies that threaten imminent danger to the lives or property of the nationals of the States taking such action, and that, upon the passing of such emergency, the forces sent should be immediately withdrawn. It is also the understanding of the Chinese Delegation that the obligation to make such withdrawal can not, as a general principle, be rightfully postponed



until the Government of the State where they are located has consented to an inquiry by the representatives of other Powers into its own domestic conditions as regards the maintenance of law and order, and a report has been made declaring that there is no necessity for the presence of such foreign armed force. In other words, it is the understanding of the Chinese Delegation that accepted international law recognizes the basic right of every sovereign State to refuse its consent to the sending into or the stationing within its borders of foreign armed forces, and that while it may, by the exercise of its own will, consent that an inquiry shall be made as to necessity in fact of the continuance within its borders of such foreign armed forces as may be therein, such action upon its part, is not to be deemed in derogation or limitation of the inherent right of a sovereign State to refuse entrance to, or further continuance within its borders, of foreign armed forces.'

" RADIO STATIONS.

" With regard to the resolution adopted by the committee on January 27, 1922, with reference to radio stations in China, Mr. Sze in behalf of the Chinese Delegation at the session held January 25, 1922, made the following declaration :

" 'I hope I have made it clear on a previous occasion that wireless stations not owned and operated by the Chinese Government, at present found in China, should, at the earliest possible moment, by negotiation with owners, be handed over to the operation and control of the Chinese Government. To state it clearly, I may say that the continuance of such radio stations under foreign operation as now exist in China, without its express consent, is only a matter of sufferance upon the part of China, and that their existence and continuance can be legalized only when the foreign nations concerned have obtained from the Chinese Government its formal consent thereto.

" 'It is known to the world that in China wireless telegraphy is a Government monopoly, and it will be a logical development to this Government monopoly that the Government should establish and maintain all wireless communications within the territory of China as a Government monopoly. The two systems of communication must cooperate, and in order that this cooperation may be harmonious and efficient it is necessary that both should be owned, controlled, and operated by the Government.

" 'The nature of international wireless communication makes international cooperation highly desirable. This cooperation is needed in order that several stations of different nationality may not interfere with each other's wave lengths and that unnecessarily high powered stations may not be established, or at improper places, and

that suitable arrangements may be made for the distribution by wire telegraph or otherwise within the individual states of the wireless messages when received. Therefore, this important subject of international wireless communication is a matter which should be the subject of discussion looking toward cooperation between all stations concerned. While I do not pretend to be an expert on wireless communications, it seems to me that so important an international question should be dealt with as a whole, and not by taking China as a single unit for international discussion. As this Conference has been called—and its work had proved—for the purpose of assisting China by the removal of existing limitations on her sovereign rights, I am inclined to think that the public might have misapprehension should any such commission be appointed to deal with, even if only to discuss and report on such a subject, which is manifestly China's own and sole problem. My honored friend, Senator Root, has truly remarked that it is a 'grave question of policy, which primarily and fundamentally should be determined by the Government of China.' Senator Root also remarked yesterday that the question of competition or controlled cooperation are not uniform in practice in all countries. In view of this fact, and the importance of the whole subject of wireless communications, China, while determining for herself, wishes to have time to consider carefully the practices of other countries before deciding for herself which course to follow.

"The Chinese Government will be glad to cooperate with other Powers with a view to arriving at common policies applicable to all Governments and mutually beneficial to all, with regard to radio communications between herself and those Powers, and, for this purpose, to participate in a conference or other joint action for the determination of general principles and methods to be recommended to all the Governments concerned whereby this general matter may be mutually regulated in a manner similar to that by which international postal interests are harmonized and promoted."

"At the twenty-seventh meeting, at the time of the final adoption of the resolution given above, the Chinese Delegation made the following formal declaration:

"The Chinese Delegation takes this occasion formally to declare that the Chinese Government does not recognize or concede the right of any foreign Power, or of the nationals thereof, to install or operate, without its express consent, radio stations in legation grounds, settlements, concessions, leased territories, railway areas or other similar areas."

"OPEN DOOR.

"Mr. Sze said that the Chinese delegation had noted with great interest the proposal made by Sir Auckland Geddes. In regard to the first paragraph he desired to

say it had always been the policy of the Chinese Government—a policy that was well-known and the whole idea of which was to develop foreign trade—to welcome foreign shippers or passengers and to afford them equal treatment, and he wished to add that there had never been a single complaint by any shipper of unfair treatment or discrimination. This policy had proved to be the best policy, and it was still the wish of the Chinese Government to foster foreign trade.

“He noted that while the Chinese Government made a certain declaration in the resolution, the other powers made a similar declaration.

“In regard to the third paragraph, he hoped that there would be no occasion to resort to it, as all Powers represented on the committee were anxious that trade in the Far East should be on a fair and equitable basis; occasions might, however, arise when it would prove useful. He suggested one small amendment, namely, the insertion of the words ‘any of’ before ‘Powers.’

“He wished to mention in this connection, in order that any possible future misunderstanding might be avoided, that in giving assent to the first paragraph of the resolution China reserved to herself the sole right to classify the rates on any of her railways.

“The chairman said he understood that there was nothing in this resolution which affected the authority to classify rates.

“Mr. Sze said that he wished to avoid any question arising in the future and to assure the continuance of the right of the Chinese Government to classify railway rates.

#### “UNIFICATION OF RAILWAYS UNDER CHINESE GOVERNMENT CONTROL.

“With reference to the resolution adopted by the Conference on January 19, 1922, regarding the unification of the railways of China under Chinese control, Mr. Sze, in behalf of the Chinese Delegation, made the following statement:

“‘The Chinese Delegation notes with sympathetic appreciation the expression of the hope of the Powers that the existing and future railways of China may be unified under the control and operation of the Chinese Government with such foreign financial and technical assistance as may be needed. It is our intention as speedily as possible to bring about this result. It is our purpose to develop existing and future railways in accordance with a general program that will meet the economic, industrial and commercial requirements of China. It will be our policy to obtain such foreign financial and technical assistance as may be needed from the Powers in accordance with the principles of the open door or equal opportunity; and the friendly support of these Powers will be asked for the effort of the Chinese Government to bring all

the railways of China, now existing or to be built, under its effective and unified control and operation."

I wish, however, to say one or two words in addition to the declarations that the Chinese Delegation made at the committee meeting with reference to the question of the open door, and also add a word with reference to the question of Chinese railroads.

China took note but did not vote on the first article of the resolutions on open door adopted by the committee on January 18, 1922, defining and declaring acceptance by the Powers of the principle of the open door, since the purpose of that article of the resolution was to fix the policies of the Powers in their dealings with China or with each other with reference to China. It was not the purpose of that article to interfere with the appropriate relations between the Chinese Government and its nationals, as was expressly indicated by the chairman in reply to a question from Sir Auckland Geddes. However, as indicated by the second of the ten principles or declarations which the Chinese Delegation had the honor to submit to this Conference on November 16, 1921, the Government of China is glad to give assurance that in the future, as has been constantly done in the past, it will make no discriminations in trade or industry between the Powers having treaty relations with China, or between their respective citizens or subjects, because of their nationality.

I should like to add a brief word with reference to the resolution on railways adopted by the committee on January 19, 1922.

Concerning the railways in China, Sir Auckland Geddes, who had presented the resolution, stated that the resolution did not indicate that past practices upon the Chinese-administered railways had been in any way inconsistent with the open-door doctrine.

As a matter of domestic policy—and from this policy we have no intention to depart—China has always accorded equal facilities, without discrimination, to all foreign nationals that had occasion to make use of her railways, whether as passengers or shippers.

With reference to the Shantung question, the Chinese Delegation, speaking in behalf of its Government and of the Chinese people, gladly avail itself of this opportunity to give expression to its thanks to you, Mr. Chairman, and to you, Mr. Balfour (*applause*), for the extension of the good offices which have made possible the Shantung conversations now brought to such a successful conclusion.

His Excellency, the President of the United States, in his invitation to the Powers to attend the Conference, expressed the hope that, through the facilities of intercourse which it would provide, it might be possible to arrive at understandings with respect to matters which

have been of international concern, and thus to promote enduring friendship among the nations whose interests have been involved. Animated by the same hope and desire, the Chinese Delegation, in the conversations which were held, with the valuable assistance of observers so kindly designated by Mr. Hughes and by Mr. Balfour, sought to accommodate its views, so far as it could consistently with China's rights and legitimate interests, to those of the Japanese Delegation, in order that a meeting of minds might be arrived at and a program provided whereby an end might be put to a controversy which not only has disturbed the friendly relations between the Chinese and Japanese people but has furnished a cause of concern to the other Powers.

This hope and this desire upon the part of the Chinese Government and of the Chinese people now appears certain to be realized. Such a program has found embodiment in the series of agreements and understandings which are to be incorporated into a treaty to be signed by the Governments of China and Japan.

The Chinese Delegation rejoices in the settlement of this question not only because a source of friction between its Government and that of Japan has been removed, but because the Chinese Government is thus able to aid in the realization of the beneficent aim for the attainment of which this Conference was convened.

THE CHAIRMAN (*speaking in English*): Mr. Balfour.

MR. BALFOUR (*speaking in English*): Mr. Chairman, Ladies, and Gentlemen:

I should not have intervened at this stage of our discussions but for two reasons: The first is the most kindly references made by the representative of China to such assistance as Mr. Hughes and I have been able to give to the happy settlement of this great and long controverted question.

I am sorry that, from physical defects, I missed a similar statement which Lord Lee tells me was made by my friends from Japan. (*Laughter and applause.*) I did not doubt the warmth of their feelings, although I happened to have missed this particular expression of them.

I beg for myself—it would be impertinent to do it on the part of your chairman, but I doubt not that he shares my sentiments—I beg to thank you for what you have done.

None can doubt that through all this great assembly there is not an individual who does not rejoice at this most happy settlement. (*Applause.*) But if there are two who especially rejoice, I think it must be our chairman, and, in a secondary degree, myself, who have worked together in absolute harmony to do what lay in our power to end this long-standing and most unfortunate dispute. That is the first reason that I intervene upon your patience.

The second reason is one in which I speak for the British Empire Delegation and for them alone. The result of the termination of this Shantung dispute between China and Japan is to hand back to the sovereignty of China a great port and a most important railway, the port giving access to and the railway giving communications within what I believe is the most ancient and the most thickly populated province of China. But there is another leased territory within that province, and its keeper is the British Government. I refer to Weihaiwei.

Those of you who have followed the course of events in China during the last generation are aware that a most critical position arose when Russia and Germany began to attempt to dominate more and more the Chinese Empire. It was when Russia seized Port Arthur that, in order to bring some foreign equipoise to the assistance of China, and to maintain international equality in the East, an arrangement was come to between the Chinese Government and the British Government by which Weihaiwei was leased to Great Britain for a term of years under conditions which left it possible to use that port as a defense against Russia, though impossible to develop it as a great commercial center or as a rival to any existing commercial interests.

The circumstances under which Weihaiwei thus came under the control of Britain have now not only provisionally changed, but they have altogether disappeared. The rest of the Province of Shantung is now handed back under suitable conditions to the complete sovereignty of China. Under like suitable conditions I have to announce that Great Britain proposes to hand back Weihaiwei to the country within whose frontier it lies. (*Applause.*)

It has so far been used merely as a sanatorium or summer resort for ships of war coming up from the tropical or more southern portions of the China station. I doubt not that arrangements can be made under which it will remain available for that innocent and healthful purpose in time to come. (*Laughter.*) But Chinese sovereignty will now be restored, as it has been restored in other parts of the Province, and we shall be largely guided in the arrangements that we propose at once to initiate by the example so happily set us by the Japanese and Chinese negotiators in the case of Shantung. They have received from this great assembly unmistakable proof of your earnest approval, and most surely they deserve it.

When that is accomplished, this great Province of China will again be what every Chinese citizen must desire that it should be, in the fullest sense an integral part of that great Empire, and I rejoice to think that I am in a position to-day to add, if I may so say so, this crown-

In the case of Japan, as I have said, the difference is that the *Mutsu* is retained and the *Settsu* is scrapped.

If you will permit me, for the sake of the comparison that very likely you will be attempting to make, to refer to the proposal of the American Government on November 12, I may recall to you that four general principles were then stated as the principles according to which, in the opinion of the American Government, the limitation should be effected. The principles were these:

"(1) That all capital-ship building programs, either actual or projected, should be abandoned;

"(2) That further reduction should be made through the scrapping of certain of the older ships;

"(3) That in general regard should be had to the existing naval strength of the Powers concerned; and

"(4) That the capital-ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed."

Those principles have been applied and govern the agreements set forth in the treaty, with these exceptions:

That in the case of capital-ship building programs, all programs are abandoned by the United States of America, the British Empire, and Japan save for the completion of the two ships of the *West Virginia* class in the case of the United States of America and the building of two ships as stated in the case of the British Empire, upon the completion of which in the one case two of the old ships retained by the United States are to be scrapped, and in the other case four ships retained by the British Empire are to be scrapped.

There is another exception in the fact that there is no provision in the Treaty for the allowance of auxiliary combatant craft; but with respect to the capital-ship program it is in its essence maintained, and these principles have been applied.

Let me call your attention to this further fact—and I state it merely to avoid any possible public misapprehension and in order that discussion of the matter may proceed intelligently. In the proposal that I had the honor to make on November 12 I said this:

"The United States proposes, if this plan is accepted—

"(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in course of building, and 2 battleships launched.

"The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

"(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. Their total tonnage is 227,740 tons.

"Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an

aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons."

Under this arrangement as made, instead of the 15 ships under construction being scrapped, there are 13 of those ships scrapped or disposed of, and the total number of ships to be scrapped or disposed of instead of 30 is 28. The tonnage is substantially the same—a very slight difference.

In the case of Great Britain the proposal was this:

"The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

"It is proposed that Great Britain—

"(1) Shall stop further construction of the 4 new *Hoods*, the new capital ships not laid down but upon which money has been spent. These 4 ships, if completed, would have tonnage displacement of 172,000 tons.

"(2) Shall, in addition, scrap her predreadnaughts, second line battleships, and first line battleships up to, but not including, the *King George V* class.

"These, with certain predreadnaughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

"The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the 4 *Hoods*, if completed) would be 583,375 tons."

Now, the fact is that under the present treaty, Great Britain, as stated in the first paragraph I have just read, has stopped the further construction, has abandoned the construction of the four new *Hoods* which are mentioned. Great Britain is permitted under the treaty to have two new ships, but these are not ships of the size contemplated in the case of the four *Hoods*, which was in the neighborhood of 48,000 or 49,000 tons, and, as I have said, there are four ships to be scrapped when these two new ships are completed.

And the provision for the scrapping of the three dreadnaughts, second-line battleships, and first-line battleships, is substantially unaffected, the fact being that there will be, I think, under the treaty 20 ships scrapped instead of the 19 that were mentioned in the proposal.

In the case of Japan the proposal was this:

"It is proposed that Japan—

"(1) Shall abandon her program of ships not yet laid down, viz. the *Kiū*, *Ōwari*, *No. 7*, and *No. 8* battleships, and *No. 5*, *6*, *7*, and *8*, battle cruisers."

I should say that that is carried out and that program is abandoned by Japan.

"(2) Shall scrap 3 capital ships (the *Mutsu* launched, the *Tosa* and *Kago* in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao* not yet laid down, but for which certain material has been assembled).



ing word to the statement of policy made by our chairman on behalf of the Conference and responded to in such felicitous terms by our Japanese and our Chinese colleagues.

THE CHAIRMAN (*speaking in English*): I desire to say, as a personal word, that I appreciate most deeply the reference that has been made by the Chinese and Japanese representatives to the part that has been taken by Mr. Balfour and myself in the endeavor to secure a satisfactory settlement of the controversy relating to Shantung. It has been a great privilege to be associated in any way with those efforts, and having by way of anticipation a vision of the possibility of this result, it seemed that no effort should be lacking to produce, if possible, a conclusion of these negotiations which should be satisfactory to Japan and China alike, because of the fairness of the terms of the disposition. (*Applause.*)

Let me also express the gratification that is felt at this announcement by Mr. Balfour on behalf of the British Delegation with respect to Weihaiwei. Thus, by what he fittingly calls the crowning act in relation to this Province, there has been restored to China her ancient and most sacred possession in its entirety, free from any foreign domination. (*Applause.*)

I now have the honor to report on behalf of the committee of the Conference which has been dealing with the subject of armament, that the proposals of the American Government in relation to the limitation of naval armament have been considered and an agreement has been reached which is embodied in a treaty now presented for your adoption. (*Applause.*)

The treaty is a long document, and I shall not attempt to read it. It is before you in the English and the French version. With your permission, however, I shall make an effort to state succinctly the purport of the treaty.

May I say in advance, that with respect to capital ships, while there are certain changes in detail, the integrity of the plan proposed on behalf of the American Government has been maintained (*applause*), and the spirit, in which that proposal was made, and in which it was received, has dominated the entire negotiations and brought them to a very successful conclusion.

This treaty is in three parts or chapters:

First, a chapter containing the general principles or provisions relating to the limitation of naval armament; second, a chapter containing the rules for the execution of the agreement; and, third, a chapter with certain miscellaneous provisions.

It is not my purpose to present the substance of the treaty in the order of this arrangement, but rather to submit it to you in what I conceive to be a manner better fitted to the full understanding of it.

The first subject with which the treaty deals is that of the limitations as to capital ships.

The treaty defines a capital ship as follows:

"A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons standard displacement, or which carries a gun with a calibre exceeding eight inches."

The treaty specifies the capital ships which each of the five Powers may retain. Thus, the United States of America is to retain 18 capital ships, with a tonnage of 500,650 tons; the British Empire, 22 capital ships, with a tonnage of 580,450 tons; France, 10 ships of 221,170 tons; Italy, 10 ships of 182,800 tons; Japan, 10 ships of 301,320 tons.

The treaty provides that all other capital ships of these Powers, either built or building, are to be scrapped or disposed of as provided in the treaty. (*Applause.*)

It is provided that the present building programs are to be abandoned and that there is to be no building of capital ships hereafter, except in replacement and as the treaty provides. (*Applause.*)

Let me pause for a moment to make a comparison with the proposal which was made on November 12 on behalf of the American Government in respect to capital ships.

That proposal set forth that 18 ships were to be retained by the United States, with a tonnage of 500,650 tons. In this treaty the same ships are to be retained.

In that proposal there were set forth 22 capital ships to be retained by the British Empire. Under the treaty, the same number of ships is to be retained; in fact, the same ships, with the single substitution of the *Thunderer* for the *Erin*, with a tonnage of 580,450 tons, as against the calculation in the proposal of 604,450 tons for ships retained.

In the case of Japan, the proposal set forth 10 ships to be retained. By the treaty, the same number of ships is to be retained, the difference being that the *Mutsu* is to be retained and the *Settsu* is to be scrapped. The tonnage retained by Japan, as indicated in the proposal, was 299,700. The tonnage retained under the treaty is 301,320. The effect of the retention of the *Mutsu*, a ship just completed, on the part of Japan, was to make necessary certain changes for which the treaty provides.

The changes are these: In the case of the United States of America, it is provided that two ships of the *West Virginia* class may be completed, two ships being now under construction, and that on their completion, two of the ships which it is provided may be retained, to wit, the *North Dakota* and the *Delaware*, are to be scrapped.

In the case of the British Empire, it is provided that two new ships may be built not exceeding 35,000 tons each. And on the completion of those two ships, four ships, the *Thunderer*, *King George V*, the *Ajax*, and the *Centurion*, are to be scrapped.

In the case of Japan, as I have said, the difference is that the *Mutsu* is retained and the *Settsu* is scrapped.

If you will permit me, for the sake of the comparison that very likely you will be attempting to make, to refer to the proposal of the American Government on November 12, I may recall to you that four general principles were then stated as the principles according to which, in the opinion of the American Government, the limitation should be effected. The principles were these:

"(1) That all capital-ship building programs, either actual or projected, should be abandoned;

"(2) That further reduction should be made through the scrapping of certain of the older ships;

"(3) That in general regard should be had to the existing naval strength of the Powers concerned; and

"(4) That the capital-ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed."

Those principles have been applied and govern the agreements set forth in the treaty, with these exceptions:

That in the case of capital-ship building programs, all programs are abandoned by the United States of America, the British Empire, and Japan save for the completion of the two ships of the *West Virginia* class in the case of the United States of America and the building of two ships as stated in the case of the British Empire, upon the completion of which in the one case two of the old ships retained by the United States are to be scrapped, and in the other case four ships retained by the British Empire are to be scrapped.

There is another exception in the fact that there is no provision in the Treaty for the allowance of auxiliary combatant craft; but with respect to the capital-ship program it is in its essence maintained, and these principles have been applied.

Let me call your attention to this further fact—and I state it merely to avoid any possible public misapprehension and in order that discussion of the matter may proceed intelligently. In the proposal that I had the honor to make on November 12 I said this:

"The United States proposes, if this plan is accepted—

"(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in course of building, and 2 battleships launched.

"The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

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"Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an

aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons."

Under this arrangement as made, instead of the 15 ships under construction being scrapped, there are 13 of those ships scrapped or disposed of, and the total number of ships to be scrapped or disposed of instead of 30 is 28. The tonnage is substantially the same—a very slight difference.

In the case of Great Britain the proposal was this:

"The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

"It is proposed that Great Britain—

"(1) Shall stop further construction of the 4 new *Hoods*, the new capital ships not laid down but upon which money has been spent. These 4 ships, if completed, would have tonnage displacement of 172,000 tons.

"(2) Shall, in addition, scrap her pre-dreadnaughts, second line battleships, and first line battleships up to, but not including, the *King George V* class.

"These, with certain pre-dreadnaughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

"The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the 4 *Hoods*, if completed) would be 583,375 tons."

Now, the fact is that under the present treaty, Great Britain, as stated in the first paragraph I have just read, has stopped the further construction, has abandoned the construction of the four new *Hoods* which are mentioned. Great Britain is permitted under the treaty to have two new ships, but these are not ships of the size contemplated in the case of the four *Hoods*, which was in the neighborhood of 48,000 or 49,000 tons, and, as I have said, there are four ships to be scrapped when these two new ships are completed.

And the provision for the scrapping of the three dreadnaughts, second-line battleships, and first-line battleships, is substantially unaffected, the fact being that there will be, I think, under the treaty 20 ships scrapped instead of the 19 that were mentioned in the proposal.

In the case of Japan the proposal was this:

"It is proposed that Japan—

"(1) Shall abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, No. 7, and No. 8 battleships, and Nos. 5, 6, 7, and 8, battle cruisers."

I should say that that is carried out and that program is abandoned by Japan.

"(2) Shall scrap 3 capital ships (the *Mutsu* launched, the *Tosa* and *Kago* in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao* not yet laid down, but for which certain material has been assembled).

struments and range finders; all ammunition, explosives, and mines; all torpedoes, warheads, and torpedo tubes; all wireless telegraphy installations; the conning tower, and all side armor, et cetera.

There are set forth the periods in which the scrapping is to be effected. In the case of the vessels that are to be immediately scrapped, the work of rendering them incapable of further war-like service is to be completed within six months from the time of the coming into force of the Treaty, and the scrapping is to be finally effected within eighteen months from the time of the coming into force of the Treaty.

Then, in the case of vessels which are to be scrapped, as in the case of those which are to be scrapped after the completion of the two ships of the *West Virginia* class on the part of the United States, and the two new ships which the British Empire may build, the scrapping of those ships is to begin not later than the completion of the successor in each case, and to be finished within six months from that time, and the final scrapping is to be completed within eighteen months from that time.

The Treaty provides the replacement limits. I have given you the tonnage of the reduced fleets, according to the capital ships that may be retained. The Treaty in Article IV sets forth the total capital ship replacement tonnage; that is, the maximum limit. It provides that it shall not exceed in standard displacement for the United States, 525,000 tons; for the British Empire, 525,000 tons; for France, 175,000 tons; for Italy, 175,000 tons; for Japan, 315,000 tons.

There is also a provision in the Treaty limiting the size of each capital ship to 35,000 tons, providing that no capital ship exceeding that limit shall be acquired by or constructed by, for, or within the jurisdiction of any of the contracting Powers.

It is also provided that no capital ship shall carry a gun of a caliber in excess of 16 inches. The periods of replacement of the capital ships are set forth in charts which form Section II of Part 3 of Chapter II of the Treaty.

You will there find the ships that are to be scrapped, the ships that may be laid down, the time when they may be laid down, the time of their completion. In the case of the United States of America, the British Empire, and Japan, aside from the two ships that may be completed in the case of the United States of America and the two to which I have referred which may be built in the case of the British Empire, the first replacement is to begin with the laying down of ships in 1931 for completion in 1934, and replacement takes place thereafter according to the age of the ships.

In the case of France and Italy, the first replacement by laying down is permitted in 1927, for completion in

1930 in the case of France, and in 1931 in the case of Italy.

The next subject with which the Treaty deals is that of aircraft carriers. It is important to note the definition of aircraft carriers; that is, the definition in the Treaty. An aircraft carrier is defined as a vessel of war, with a displacement in excess of 10,000 tons standard displacement, designed for the specific and exclusive purposes of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed to carry a more powerful armament than that allowed to it under Article IX or Article X, as the case may be.

If you refer to Articles VII, VIII, IX, and X of the Treaty, you will find special provisions relating to aircraft carriers. Thus the total tonnage of each of the contracting Powers for aircraft carriers shall not exceed for the United States 135,000 tons; for the British Empire, 135,000 tons; for France, 60,000 tons; for Italy, 60,000 tons; and for Japan, 81,000 tons.

In view of the experimental nature of existing aircraft carriers owned by the Powers, that fact is recognized and there is provision for replacement without regard to age.

It is provided that there shall be a limit on the size of each aircraft carrier of 27,000 tons. There is, however, a special exception which permits the contracting Powers to build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons. And what I have said with regard to the disposition of existing capital ships and their scrapping is to be qualified by the statement that, in order to effect economy, any of the contracting Powers may use, for the purpose of constructing aircraft carriers as defined, any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the Treaty, and these may be of a tonnage of not more than 33,000 tons.

It is provided, however, that the armament of any aircraft carrier exceeding 27,000 tons shall be in accordance with the requirements of the general article to which I shall presently refer, except that the total number of guns to be carried in case any of such guns be of a caliber exceeding 6 inches, except antiaircraft guns and guns not exceeding 5 inches, can not number more than eight.

Then there is a general provision as to the armament of aircraft carriers. If it has guns exceeding 6 inches, then, with the exception I have just stated, the total number of guns shall not exceed ten. It can not carry a gun in excess of 8 inches. It may carry, without limit, 5-inch guns and antiaircraft guns.

Now, there are certain special rules which I shall briefly mention. One relates to auxiliary craft. I have said that the provisions relating to auxiliary craft con-

struments and range finders; all ammunition, explosives, and mines; all torpedoes, warheads, and torpedo tubes; all wireless telegraphy installations; the conning tower, and all side armor, et cetera.

There are set forth the periods in which the scrapping is to be effected. In the case of the vessels that are to be immediately scrapped, the work of rendering them incapable of further war-like service is to be completed within six months from the time of the coming into force of the Treaty, and the scrapping is to be finally effected within eighteen months from the time of the coming into force of the Treaty.

Then, in the case of vessels which are to be scrapped, as in the case of those which are to be scrapped after the completion of the two ships of the *West Virginia* class on the part of the United States, and the two new ships which the British Empire may build, the scrapping of those ships is to begin not later than the completion of the successor in each case, and to be finished within six months from that time, and the final scrapping is to be completed within eighteen months from that time.

The Treaty provides the replacement limits. I have given you the tonnage of the reduced fleets, according to the capital ships that may be retained. The Treaty in Article IV sets forth the total capital ship replacement tonnage; that is, the maximum limit. It provides that it shall not exceed in standard displacement for the United States, 525,000 tons; for the British Empire, 525,000 tons; for France, 175,000 tons; for Italy, 175,000 tons; for Japan, 315,000 tons.

There is also a provision in the Treaty limiting the size of each capital ship to 35,000 tons, providing that no capital ship exceeding that limit shall be acquired by or constructed by, for, or within the jurisdiction of any of the contracting Powers.

It is also provided that no capital ship shall carry a gun of a caliber in excess of 16 inches. The periods of replacement of the capital ships are set forth in charts which form Section II of Part 3 of Chapter II of the Treaty.

You will there find the ships that are to be scrapped, the ships that may be laid down, the time when they may be laid down, the time of their completion. In the case of the United States of America, the British Empire, and Japan, aside from the two ships that may be completed in the case of the United States of America and the two to which I have referred which may be built in the case of the British Empire, the first replacement is to begin with the laying down of ships in 1931 for completion in 1934, and replacement takes place thereafter according to the age of the ships.

In the case of France and Italy, the first replacement by laying down is permitted in 1927, for completion in

1930 in the case of France, and in 1931 in the case of Italy.

The next subject with which the Treaty deals is that of aircraft carriers. It is important to note the definition of aircraft carriers; that is, the definition in the Treaty. An aircraft carrier is defined as a vessel of war, with a displacement in excess of 10,000 tons standard displacement, designed for the specific and exclusive purposes of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed to carry a more powerful armament than that allowed to it under Article IX or Article X, as the case may be.

If you refer to Articles VII, VIII, IX, and X of the Treaty, you will find special provisions relating to aircraft carriers. Thus the total tonnage of each of the contracting Powers for aircraft carriers shall not exceed for the United States 135,000 tons; for the British Empire, 135,000 tons; for France, 60,000 tons; for Italy, 60,000 tons; and for Japan, 81,000 tons.

In view of the experimental nature of existing aircraft carriers owned by the Powers, that fact is recognized and there is provision for replacement without regard to age.

It is provided that there shall be a limit on the size of each aircraft carrier of 27,000 tons. There is, however, a special exception which permits the contracting Powers to build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons. And what I have said with regard to the disposition of existing capital ships and their scrapping is to be qualified by the statement that, in order to effect economy, any of the contracting Powers may use, for the purpose of constructing aircraft carriers as defined, any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the Treaty, and these may be of a tonnage of not more than 33,000 tons.

It is provided, however, that the armament of any aircraft carrier exceeding 27,000 tons shall be in accordance with the requirements of the general article to which I shall presently refer, except that the total number of guns to be carried in case any of such guns be of a caliber exceeding 6 inches, except antiaircraft guns and guns not exceeding 5 inches, can not number more than eight.

Then there is a general provision as to the armament of aircraft carriers. If it has guns exceeding 6 inches, then, with the exception I have just stated, the total number of guns shall not exceed ten. It can not carry a gun in excess of 8 inches. It may carry, without limit, 5-inch guns and antiaircraft guns.

Now, there are certain special rules which I shall briefly mention. One relates to auxiliary craft. I have said that the provisions relating to auxiliary craft con-



tained in the proposal made on behalf of the American Government were not carried into the final agreement, and we have no limitations of auxiliary craft except as I am about to state them. The Treaty does provide that no vessel of war exceeding 10,000 tons, other than a capital ship or aircraft carrier, shall be acquired by or constructed by, for, or within the jurisdiction of any of the contracting Powers. That is a limitation of 10,000 tons in the case of auxiliary craft individually. Vessels not specifically built as fighting ships, nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitation of 10,000 tons.

Then we have certain provisions of a protective nature; that is, to protect the faithful execution of the agreement.

The first is that no vessel of war of any of the contracting Powers, hereafter laid down, except a capital ship which is under the limitations I have stated, shall carry a gun in excess of 8 inches; that no ship designated in the present treaty to be scrapped may be recon-verted into a vessel of war; that no preparation shall be made in merchant ships in time of peace for the installation or warlike armament, for the purpose of converting such vessels into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6 inches.

With respect to foreign powers, there are certain provisions. No vessel of war constructed within the jurisdiction of any of the contracting powers for a non-contracting power shall exceed the limitations as to displacement and armament prescribed by the present treaty for vessels of a similar type which may be constructed by or for any of the contracting powers: Provided, however, that the displacement for aircraft carriers constructed for a noncontracting power shall in no case exceed 27,000 tons standard displacement. There is a provision for information to the Powers in case orders are received from foreign powers for the building of vessels of war.

There is the further provision that in the event of a contracting power being engaged in war, such power shall not use, as a vessel of war, any vessel of war which may be under construction within its jurisdiction for any other power, or which may have been constructed within its jurisdiction for another power and not delivered.

There is also this very important provision, that each of the contracting powers agrees not to dispose of, by gift, sale, or any mode of transfer, any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign power, and it is recorded

in the proceedings of the committee that that undertaking as a matter of honor is regarded as made now.

There is a further article with respect to fortifications in the Pacific Ocean, Article XIX, which has been published in full—a special agreement between the United States of America, the British Empire, and Japan. They agree that the status quo at the time of the signing of the present treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:

“(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands.”

That is to say, there is perfect freedom with regard to the insular possessions of the United States which are adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and likewise perfect freedom with respect to the Hawaiian Islands.

Paragraph 2 is the agreement on status quo in the case of the British Empire, defining the territories and possessions in which the status quo shall be maintained, to wit:

“Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean east of the meridian of 110 degrees East longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its territories, and (c) New Zealand.”

In the case of Japan, the territories and possessions to which the status quo provision applies are defined as follows:

“The following insular territories and possessions of Japan in the Pacific Ocean, to wit: the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa, and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.”

Then there is a statement of obvious import with respect to the meaning of the maintenance of the status quo in these places to which reference has been made.

In the third chapter of the treaty are certain miscellaneous provisions. The first in Article XXI is as follows:

If during the term of the present treaty, which is fifteen years, the requirements of the national security of any contracting power in respect of naval defense are, in the opinion of that Power, materially affected by any change of circumstances, the contracting Powers will, at the request of such Power, meet in conference with a view to the reconsideration of the provisions of the treaty and its amendment by mutual agreement.

It is also provided that in view of possible technical and scientific developments the United States, after consultation with the other contracting Powers, shall arrange for a conference of all the contracting Powers, which shall convene as soon as possible after the expiration of eight years from the coming into force of the present treaty to consider what changes, if any, in the treaty may be necessary to meet such developments.

There is in Article XXII a special provision as to the effect of an outbreak of war, that is, the effect of any one of the contracting Powers becoming engaged in war. That mere fact does not affect the obligations of the treaty, but if a contracting Power becomes engaged in a war which in its opinion affects the naval defense of its national security, such Power may after notice to the other contracting Powers suspend for the period of hostilities its obligations under the present treaty, other than certain obligations which obviously are to be maintained throughout, and which are specified, provided that such Power shall notify the other contracting Powers that the emergency is of such a character as to require such suspension.

In such case the remaining contracting Powers are to consult together and ascertain what temporary modifications may be required. If such consultation does not produce agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of the contracting Powers may, by giving notice to the other contracting Powers, suspend for the period of hostilities its obligations under the treaty, with the exceptions already mentioned.

On the cessation of hostilities the contracting Powers will meet in conference to consider what modifications, if any, are required.

You will observe that it is not a mere technical war, or any sort of war, which suspends or may be used to suspend the obligations of the treaty. It is only where the Power thus engaged in war notifies the other Powers that the emergency is of such a character as to require such suspension.

Then, in Article XXIII, it is provided that the present treaty shall remain in force until December 31, 1936, and in case none of the contracting Powers shall have given notice two years before that date of its intention to terminate the treaty, it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the contracting Powers, whereupon the treaty shall terminate as regards all the contracting Powers.

There is a provision for the giving of the notice and as to the time when the notice shall take effect, and for the ratification of the treaty in accordance with the constitutional methods of the respective contracting Powers.

That is the summary of the treaty engagements. I have not the time to state all the details. I have endeavored faithfully to represent the purport of the engagements.

May I say in conclusion that no more extraordinary or significant treaty has ever been made. It is extraordinary because we no longer merely talk of the desirability of diminishing the burdens of naval armaments, but we actually limit them. (*Applause.*) It is extraordinary because this limitation is effected in that field in which nations have been most jealous of their power, and in which they have hitherto been disposed to resent any interference with their power.

I shall not enlarge upon the significance of the engagement. Of course, it is obvious that it means an enormous saving of money and the lifting of a very heavy and unnecessary burden from the peoples of the countries who unite in this agreement.

This treaty ends, absolutely ends, the race in competition in naval armament. (*Applause.*) At the same time it leaves the relative security of the great naval powers unimpaired.

The significance of the treaty is far more than that. In this treaty we are talking of arms in the language of peace. The best thing about the engagement is the spirit which has been manifested throughout our negotiations and to which is due our ability to reach this fortunate conclusion. In other words, we are taking perhaps the greatest forward step in history to establish the reign of peace. (*Applause.*)

The CHAIRMAN (*speaking in English*): Mr. Sarraut.

(Mr. Sarraut addressed the Committee in French, his address being interpreted into English by the official interpreter as follows):

MR. SARRAUT: Mr. Chairman, I bring the adhesion of the French Delegation to the draft treaty on the reduction of Naval Armament. This adhesion is sincere and confident. Under other circumstances, no doubt, I might have been content with merely affirming this, while expressing the satisfaction of France at having cooperated in an undertaking which, alleviating the burden of military expenditure that weighs upon the peoples, forestalls the happy future time when a lasting peace will be built in the world on the conscious and universal consensus of Nations.

But if I were to-day to limit myself to a short statement, I would feel that I did not answer the expectations of those that are now listening to me, and that I should be equally failing in the total fulfillment of the duty which it is my intimate desire to discharge. For indeed protected controversies, which have been echoed everywhere by public opinion, and the commentaries with which the mighty voice of the Press has accompanied its preparation to the last moment, have created round the

Treaty that we are now bringing into full daylight an uncertain and troublous atmosphere. There are still mists hanging around, and perhaps there may be some darkness left in which doubt, skepticism, and after-thoughts may still be obscurely lurking.

And this is precisely what should not be. For if that sort of impression were to persist, it would be the worst thing for the grand deed, of considerable political and human importance, that to-day we submit to the meditations of the World. When the example of such a deed is notified to nations at large, if it is to exercise its full effect, if it is to keep all its force, influence, and persuasion on their minds, it must appear highly upheld, vivified, animated with a powerful spirit of hope and faith, by the moral value arising from the full acquiescence, the loyal conviction, the unreserved assent of those that have signed it. Nobody must be able to think that this contract has been won from some of us through a kind of constraint, and accepted by them against their own wishes. It must not appear threatened with a precarious existence and exposed in the future to the reaction and fermentation of ill-disguised disappointments or persistent spite.

I have risen in my place to state here clearly, so that everybody may know, that the minds of the French delegates are free from any such feeling. Definitely and without any mental reservation do we now bring our signatures to this treaty. We did not receive it with closed eyes. We have weighed its effects, results, and obligations. We have discussed the substance and the form. Nor did we reach the conclusion without experiencing difficulties or encountering obstacles. We did not consent without debating or even without fighting the serious sacrifices that France is making, and at certain times we did not try to dissemble the surprise felt at the conditions under which she was asked to consent. We did it because it was our duty to do it, and since it was our duty, we regret nothing of what we have done. The French delegation yielded what they felt they should yield, and resisted on the points where they had to do it. We marked the line to show how far we could go and traced the limit which we would not pass; and therefore when to-day we come and say "*I assent*" everybody *must* know that what France has signed shall be *respected* and *defended* by her *with the same sincerity and the same will*.

However great may be this Treaty, as I shall prove, the contribution of France to the noble work of naval disarmament, and although this contribution has been so broadly consented because we had such a deep feeling of trust and affection for our American friends who were asking it of us, some people have fancied that France might go further and should yield still more. This thought was not concealed from us; it was even stated, in the leading papers of this country, in vigorous terms

which frequently assumed the greatest freedom. If I recall the fact, it is not in order to complain or to express any astonishment. I may have at times regretted the misuse of this freedom, but it leaves me no concern. For if I were to take offense, in a democracy, of the frankness of pen and word, even drawn to extremes, I should not be the son of Republican France, who has suffered and struggled so much for the liberty of the press and of the platform; nor do I wonder at the mistakes which may have been committed by our critics, for the most obvious truths will often escape the most experienced eyes, specially if the translucent atmosphere where they should appear has already been clouded and darkened by the fumes that transform or distort the natural aspect of things. I have met, in the distant colonies under my administration, with instances of that optical illusion called mirage which, under the clearest sky, turn upside down or disfigure the images of reality. The true position, the *exact* attitude of France, in the naval debate carried on here, also strikes me as having been submitted, in surroundings now nebulous and now overheated, to those distorting effects which were all the more calculated to take by surprise bona fide spectators as they were only recently informed on the matters which they were called upon to consider.

And now in this open session, there would be indeed for me a favorable and tempting opportunity to address myself direct to the American Nation, to the great American public, to our friends of the United States, in order to try and dispel before them all deceitful mirages and set up again in their true light the imperative reasons which inspired our attitude and justified our decision. But however strong the temptation may be to do this, I will resist it, like all other splendid opportunities offered by your beautiful country. I do not want to reopen here the ample debate which has found its conclusion in the treaty that we are going to register to-day. If that debate has left in American public opinion impressions or shadows which we, Frenchmen, may rightly regret, I am deeply convinced that on the other hand it has sown in the sincere conscience of your people germs of truth which will grow and ripen one day. In this, as in everything, we must allow time to do its work without trying to force or precipitate its march. Reason and justice will sometimes go along slowly, but surely, through the temporary obstacles raised by error.

On the path we were following to come here, with a cheerful feeling of confidence which needed to throw no light in advance on the bends or curves of the road, we suddenly found ourselves in the dark at the crossing of the ways; and there the old German spirit, in order to deceive and frighten credulous souls, had cunningly concealed, for us to strike against it, the old scarecrow of

French imperialism. Time will promptly dispose of this ghost of a legend, of which it is difficult to say whether it is more absurd than it is despicable. Time will do full justice, as it has done for other legends, and particularly to that of light and frivolous France, which nobody dares mention any more since the Marne and Verdun. On this point we can also trust to the future; we have full trust in all our friends, here and elsewhere. And if public opinion has been insufficiently informed, we can serenely appeal to a better informed opinion, and peacefully await the not distant hour when, after time and meditation have permitted them to see things in their true perspective, those that know who we are and love us will soon have discerned the obvious truths that have been but temporarily darkened to their eyes.

The camouflaged ghost of imperialistic France may have still deceived a few artless minds. It will soon evoke nothing but smiles. There is *no more room* for any form of imperialism in the world which has been *liberated by our common effort*; the hateful criminal dream of supremacy which the heroism of the allied soldiers has broken down, the destruction of German ambition have cost France the lives of 1,500,000 of her best sons and the devastating ravage of her most prosperous regions. Shall France have made, to save the World, such a frightful sacrifice, in order to be charged now with wanting to recommence the crime which she has helped to chastise? If she keeps a strong enough army, which she is now reducing, if she must still bear the crushing burden of military charges, is it not because her territory, twice invaded in fifty years by the same enemy, still remains exposed to the insolent threat of revenge, and because the world is menaced along of us? And if, together with this army, France needs an adequate naval strength, is it not because, without those naval means, she can not maintain her army, she can not muster her frontiers' effectives that are not all found within the mother country, but are scattered abroad in distant colonies? Nor can she without warships insure the safety of transport vessels that bring to the assistance of the home forces the indispensable colonial contingents, which during the last war supplied the mother country, in its hour of peril, with nearly a million men—a figure probably unknown—hastening from all French possessions beyond the seas, through the dangers of oceans infested by German pirates, whom we could find there again if we did not take proper precaution.

Serious therefore were the reasons, from the viewpoint of national safety, that justified our need of naval forces. Powerful arguments besides might have been drawn from the pressure of material and moral interests, hardly negligible for a country which, after having ranked as the fourth naval power of the world, still remains the second colonial nation in the universe. But so great was

the desire of France to cooperate in the great work initiated by the Washington Conference that she did not recoil before sacrifices the extent of which should not pass unmentioned here in a day like this. Two figures, just two figures more eloquent than any words, will allow you to appreciate the importance of her share in the reduction of naval armament. In 1914, on the eve of the war, France was fully occupied in carrying out a naval plan through which, if war had not interfered, she would now possess 700,000 tons of capital ships.

Instead of this, by reason of the Treaty which the French Delegation are prepared to sign, my country reduces to 175,000 tons her strength in capital ships—namely a reduction of three-fourths of her program.

To state the facts more definitely still, France, had it not been for the war, would possess since 1st of November last, 28 capital ships; with the Treaty of Washington, she is now content with five. Thus does France, represented as an imperialist country, abandon the very weapon of attack, the essential arm of aggressive militarism. Even before the Conference, and without waiting for its suggestions, France had spontaneously eliminated, given up or scrapped more than 500,000 tons of capital ships. Henceforth, she will not even have ships enough to form a squadron. So much for naval imperialism.

She has only preserved, she only wishes to keep a defensive force for the protection of her coasts, her colonies, ports and lines of communications with her distant possessions. And even in this it is only a possibility, an opportunity which she eventually reserves. She does not assert her intention, her will, to build such defensive force. It is certain she will not want to incur the burden, if circumstances turn out so that she can give it up without danger. She would await the better hour when to-day's scrapping will be only preamble destruction of arms with which men kill each other.

Besides France gives a spontaneous adhesion to the resolutions so loftily expressed by Senator Root's clear conscience. Those resolutions, as you know, brand the abominable use made by Germany of offensive weapons in naval and submarine warfare, and unite all of us in a gentlemen's undertaking, binding each to repudiate those infamous practices forever.

Thus, and to the last act of the highly humane work that is being accomplished here, France deems it an honor to have been able to second and support the noble initiative taken at Washington. And so intense is her pride at having thus effectively cooperated that, in the depths of her inner conscience, it overrides the painful surprise she felt at sometimes seeing her sentiments and sacrifices misunderstood. True, it is not the first time such astonishment has been caused her.

This explains why neither France nor her representatives will allow themselves to be disheartened in their



defense of the most legitimate rights, any more than in the gallant endeavor on the road of progress to bring those better days when a fruitful peace, based on justice and right, will rule the relations and destinies of mankind.

This future of peace and happiness was never sought more earnestly by anybody than by France, who has been through the ages the indefatigable champion of justice and human law. And no nation at present in the world can yearn for that future more passionately than the country whose frightfully ravaged territories cry out every day to Heaven, through the tragical wounds that are still gaping in her devastated regions, its hatred of an abominable war.

Together with all those that yesterday, in the greatest of struggles for human freedom and civilization, were the heroical Allies she has not forgotten, and who tomorrow will remain, she feels sure, her faithful friends, France wants to help and build this future world of peace, that can only rise and endure forever if it is founded on justice.

Peace will be lasting, sure, and strong between men only when those that might still feel tempted to disturb it shall know that they could no longer do so with impunity. If the culprits are sure that they can escape punishment, and elude the penalties attached to their guilt, if it is enough of fraud or craft for them to shirk the obligations incurred, after defeat, in order to give reparation for their assault, then the future of mankind will always remain exposed to the threat of war. And it might be feared that the mere example set to the world by the reduction of armament would not have in itself sufficient virtue and force to bring at last peace to the universe.

Two months ago, at this same place, M. Briand uttered this pregnant thought: "Moral disarmament must go side by side with material disarmament." And in that the Conference of Washington, so bold already in the material results achieved, will have more considerable and happier consequences still by the moral results that will reach far and deep throughout the races of mankind. It is not possible that the grand example set here to the world by the greatest countries, which all together decide to weaken or destroy the weapons of combat and instruments of domination, should not move profoundly in their conscience the other nations of the earth.

It cannot be that the hatred of war, which has been so powerfully expressed through all the labors of this Conference, should not succeed in penetrating the souls of all the peoples, and in creating a form of universal conscience so full of life and power that it will make it impossible for any criminal government to start on a new war. If the day of the final peace has not risen yet, at least the dawn seems to break and spread above the

horizon. It will be for America an everlasting title of honor to have raised this radiant hope for mankind. Five years ago, the United States came to fight heroically by the side of France, to help in the victory of the civilized world. Today does France come proudly to range herself with all her friends on the side of the United States, to help in the work of giving to the universe the great peace of right thanks to which the peoples

THE CHAIRMAN (*speaking in English*): The Committee on Limitation of Armament has adopted resolutions with regard to the conduct of submarines in war, and with regard to the use of poison gas. These resolutions have been embodied in a treaty which is now to be presented to the Conference. I shall ask Mr. Root to present that treaty.

Mr. Root (*speaking in English*): Mr. Chairman and gentlemen, this treaty supplements the treaty which limits armaments by imposing certain limitations upon the use of armaments.

It is brief and I will read it.

"The United States of America, the British Empire, France, Italy and Japan, hereinafter referred to as the Signatory Powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, and to prevent the use in war of noxious gases and chemicals, have determined to conclude a Treaty to this effect, and have appointed as their Plenipotentiaries:

"The President of the United States of America:

"Charles Evans Hughes,

"Henry Cabot Lodge,

"Oscar W. Underwood,

"Elihu Root, citizens of the United States;

"His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

"The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

"The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;

"The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

"and

"For the Dominion of Canada:

"The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;

"For the Commonwealth of Australia:

"Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

"For the Dominion of New Zealand:

"The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

"For the Union of South Africa:

"The Right Honorable Arthur James Balfour, O. M., M. P.;

"For India:

"The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

"The President of the French Republic:

"Mr. Albert Sarraut, Deputy, Minister of the Colonies;

"Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

"His Majesty the King of Italy:

"The Honourable Carlo Schanzer, Senator of the Kingdom;

"The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;

"The Honourable Luigi Albertini, Senator of the Kingdom;

"His Majesty the Emperor of Japan:

"Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

"Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;

"Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Joshii, a member of the Second Class of the Imperial Order of the Rising Sun;

"Who, having communicated their Full Powers, found in good and due form, have agreed as follows:

#### " I.

"The Signatory Powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law;

"(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

"A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated;

and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

“ II.

“ The Signatory Powers invite all other civilized Powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

“ VIII.

“ The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

“ IV.

“ The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

“ V.

“ The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in Treaties to which a majority of the civilized Powers are parties,

“ The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to

be bound thereby as between themselves and invite all other civilized nations to adhere thereto.

“VI.

“The present Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the Signatory Powers, and shall take effect on the deposit of all the ratifications, which shall take place at Washington.

“The Government of the United States of America will transmit to all the Signatory Powers a certified copy of the proces-verbal of the deposit of ratifications.

“The present Treaty, in French and in English, shall remain deposited in the Archives of the Government of the United States of America, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

“VII.

“The Government of the United States of America will further transmit to each of the Non-Signatory Powers a duly certified copy of the present Treaty and invite its adherence thereto.

“Any Non-Signatory Power may adhere to the present Treaty by communicating an Instrument of adherence to the Government of the United States of America, which will thereupon transmit to each of the Signatory and Adhering Powers a certified copy of each Instrument of Adherence.

“In faith whereof, the above named Plenipotentiaries have signed the present Treaty.

“Done at the City of Washington, the —— day of February, one thousand nine hundred and twenty-two.”

Mr. Root: You will observe that this treaty does not undertake to codify international law in respect of visit, search, or seizure of merchant vessels. What it does undertake to do is to state the most important and effective provisions of the law of nations in regard to the treatment of merchant vessels by belligerent warships, and to declare that submarines are, under no circumstances, exempt from these humane rules for the protection of the life of innocent noncombatants. (*Applause.*)

It undertakes further to stigmatize violation of these rules, and the doing to death of women and children and noncombatants by the wanton destruction of merchant vessels upon which they are passengers and by a violation of the laws of war, which as between these five great powers and all other civilized nations shall give their adherence shall be henceforth punished as an act of piracy. (*Applause.*)

It undertakes further to prevent temptation to the violation of these rules by the use of submarines for the capture of merchant vessels, and to prohibit that use altogether. It undertakes further to denounce the use of poisonous gases and chemicals in war, as they were used to the horror of all civilization in the war of 1914-1918.

Cynics have said that in the stress of war these rules will be violated. Cynics are always nearsighted, and oft and usual the decisive facts lie beyond the range of their vision.

We may grant that rules limiting the use of implements of warfare made between diplomatists will be violated in the stress of conflict. We may grant that the most solemn obligation assumed by governments in respect of the use of implements of war will be violated in the stress of conflict; but beyond diplomatists and beyond governments there rests the public opinion of the civilized world, and the public opinion of the world can punish. It can bring its sanction to the support of a prohibition with as terrible consequences as any criminal statute of Congress or of Parliament.

We may grant that in matters which are complicated and difficult, where the facts are disputed and the argument is sophistic, public opinion may be confused and ineffective, yet when a rule of action, clear and simple, is based upon the fundamental ideas of humanity and right conduct, and the public opinion of the world has reached a decisive judgment upon it, that rule will be enforced by the greatest power known to human history, the power that is the hope of the world, will be a hope justified.

That power was the object of all the vast propaganda of the late war; that power was the means of determining the conflict in the late war; and that power, the clear opinion of the civilized world, stigmatizing as a violation of the fundamental rules of humanity and right a specific course of conduct, will visit a nation that violates its conclusion with a punishment that means national ruin. (*Applause.*)

This treaty is an attempt to crystallize, in simple and unmistakable terms, the opinion of civilization that already exists. This treaty is an appeal to that clear opinion of the civilized world, in order that henceforth no nation shall dare to do what was done when the women and children of the *Lusitania* went to their death by wanton murder upon the high seas. (*Applause.*)

SENATOR SCHANZER (*speaking in English*): Mr. Chairman and gentlemen of the Conference:

I will venture briefly to outline in a few words only the ideas which have directed the Italian Delegation, while collaborating with the other members of the Conference in the solution of the problem of naval armament.

The naval policy of a country is but a side aspect of its general policy. For the greater naval Powers, such as the United States, Great Britain, and Japan, their naval policy is perhaps the most important and essential part of their general policy. But even for other countries, such as France and Italy, it assumes to-day a very considerable importance. We have already had the opportunity, on previous occasions, of exposing the main lines of Italy's international policy. Our country, which entered into the war not only in response to the unquestionable necessities of her national rights, but also in order to insure the triumph of the principles of justice, of liberty, and of democracy among nations, is to-day animated by a profound and sincere spirit of peace. The policy of the Italian Government tends to contribute on all occasions and wherever it may be necessary to secure guaranties for the maintenance of general peace, and to help in the solution of conflicts arising between other nations, not by means of violence, but through friendly and open discussion, and obtain the return to normal economical conditions in the world in general and in Europe in particular.

Such are the tendencies which also dictate our naval policy, a policy which is of a purely defensive character, and is absolutely foreign to all intentions of aggression against other nations.

Of course, our naval policy has certain special requirements which are determined by Italy's particular geographical and economical position. Italy is a peninsula, but with respect to her supplies of food and raw materials she is in a position more difficult not only than that of France, which has two seas from which to receive her supplies and is largely self-supporting, but also than that of England, which, being an island, is rich in iron and coal, which the Italian soil is deprived of.

England is surrounded by the open seas, while the Mediterranean surrounds Italy like a lake. Our country, therefore, can be blockaded with the greatest facility, and must rely upon her maritime communications in order to avoid being cut off from her supplies and reduced to starvation, besides having her railways and industries completely paralyzed.

Furthermore, from a strategical point of view, Italy is easily vulnerable, the length of her coast line being very great, in fact double that of France.

Under such conditions, the first fundamental principle of our naval policy consists in this; that Italy's fleet should be equal to the strongest fleet of any of the Powers situated on the Mediterranean. If we consider that Italy has many maritime neighbors on the Mediterranean and on the Adriatic, and that to-day she can not count, as was the case before the war, on the cooperation and support of a strong allied fleet, these will not seem excessive pretensions.

On the other hand, since Italy's feelings toward her neighbors are sincerely peaceful, she has been able to second with the utmost cordiality the American proposals and to advocate the principles underlying the limitation of naval armament.

We have given accordingly our warmest and most sympathetic support to the limitation of the tonnage of capital ships.

We do not underrate the importance of the great result which the Conference has achieved. If on one hand the limitation of capital ships will constitute the surest guarantee against conflicts in the Pacific, on the other hand it will enable the three great naval Powers concerned to realize an enormous economy in money, which will be usefully turned to increasing the production and commerce of the world.

We would not be absolutely sincere, however, were we not to express our regret that it has not been possible to reach an agreement for the limitation of auxiliary craft, submarines, and military and naval aviation. We can not avoid being seriously concerned by the fact that if on the one hand we have succeeded in closing the door to competition with respect to battleships, on the other hand we have left it open to a new competition in the future for other kinds of naval armaments and for military and naval aviation, the future development of which may prove to be of a very formidable nature. This situation involves dangers not only from the economical point of view but also from the political one.

But we sincerely trust that what has been impossible to accomplish to-day may be achieved in the future, for it is already evident that the policy of peace and wisdom which has been inaugurated by the Washington Conference will have further developments and will undoubtedly take an ever stronger hold on the public opinion of civilized nations.

A few words will be sufficient to justify the position taken by the Italian Delegations in the question of submarines.

The honorable representatives of the British Empire have brought before the Conference and the entire world the proposal of suppressing submarines from naval warfare. They have done so with great eloquence and with abundance of arguments and demonstrations.

Now, though fully appreciating the importance of the statements made by our distinguished British colleagues, we have not been able to share unconditionally their opinion or to support their proposal of abolishing submarines. The question is essentially a technical one, which in our minds requires further study. Our technical naval authorities believe that owing to Italy's particular geographical position, the submarine is still a necessary weapon, not for offensive but for defensive purposes. Nevertheless, we are always disposed to con-



tinue the study of this question, which in our minds should be dealt with in a conference, in which all nations should participate which are liable eventually to avail themselves of submarines. Only an agreement including all these States could offer us sufficient guarantees, while an agreement including only a few Powers would place us in a position of manifest inferiority in respect to the nonadhering States and would expose us to serious dangers.

But though we have not been able to associate ourselves, for the aforesaid reasons, with the proposal for suppressing submarines, we have readily declared ourselves prepared, on condition of equality with all other Mediterranean powers, to limit our total submarine tonnage to the minimum required for defensive purposes, and we have agreed with Mr. Root's resolutions for the prohibition of submarines as commerce destroyers.

We have also supported with full conviction the proposal put forward by the American Delegation for suppressing poisonous gases as agencies of warfare, the more so as the same proposal had been made by the Italian Delegate in the subcommittee.

I do not believe that other words are necessary, gentlemen, to explain the attitude of the Italian Delegation all through the discussions which have led to the present agreements. We welcome these agreements, and especially the naval treaty, with the greatest satisfaction, for it represents the first decisive step which has been made toward eliminating the danger of future wars and creating more solid foundations for the financial policy of the great nations. And though it has not yet been possible to establish definite limits for all categories of naval and air armaments, we feel justified in expressing the hope that, in spite of the actual absence of concrete agreements, the different nations in their political discretion will limit the programs of their minor naval constructions in order to avoid contradicting and disavowing the purposes and the high spirit which has inspired this Conference.

It is certain, I think, that no nation would wish to take such a responsibility before the present and the future generations.

The CHAIRMAN (*speaking in English*): May I be permitted to say that I think that the fact of the naval agreement which has been reached in respect to capital ships, and the public opinion that has so manifestly supported it throughout the world, will make it very difficult for any Powers to engage in a very serious competition in the production of the craft which unfortunately are not covered by the terms of this naval treaty.

The resolutions adopted on January 5 and 6 in the Committee on Limitation of Armaments in relation to submarine warfare and the resolution adopted by the same committee January 7 in respect to the use of poison-

ous gas and other gases and analogous liquids are presented here and will be regarded as having been read. I ask you now to approve and adopt these resolutions as recommended by the committee and also to record your approval of the treaty which has been presented by Mr. Root.

The United States of America assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: Unanimously adopted and approved. (*Applause.*)

MR. SZE (*speaking in English*): Mr. Chairman and Gentlemen, I can not allow this occasion to pass without rising and asking your permission to say just a word or two—although if time permitted I would have taken considerably longer—to express the gratification of the Chinese Delegation at hearing the statement made by Mr. Balfour in the early part of this meeting, on behalf of the British Empire Delegation.

There can be no better evidence of the friendly sentiments which we know always animate the British Empire for China than this spontaneous offer to return Weihaiwei to China. The people of China have always hoped for the restoration of the various Leased Territories, and Mr. Balfour's declaration to-day will always be remembered gratefully by the Chinese people as a generous act of international friendship and as inaugurating a new era in the observance of the principle of the territorial integrity of China so dear to the hearts of the Chinese people. (*Applause.*)

THE CHAIRMAN (*speaking in English*): With your permission, the meeting of the Conference will stand adjourned subject to the call of the Chair.

(Whereupon, at 2.40 p. m., the fifth plenary session of the Conference on the Limitation of Armament adjourned subject to the call of the Chair.)

## SIXTH PLENARY SESSION.

(Uncorrected text.)

WASHINGTON, FEBRUARY 4, 1922.

The sixth plenary session of the Conference on the Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, was held at Washington on Saturday, February 4, 1922, at 10.30 o'clock a. m., in Memorial Continental Hall. The chairman, the Hon. Charles Evans Hughes, Secretary of State of the United States of America, presided.

THE CHAIRMAN (*speaking in English*): The minutes of the last plenary session have been distributed and the necessary corrections have been made. Unless there is objection, these minutes will be deemed to be approved as corrected. (*After a pause.*) It is so ordered.

On behalf of the committee dealing with Pacific and Far Eastern questions, I have the honor to report that the resolutions which have been adopted in relation to matters concerning China have been put in the form of a proposed Treaty, which is now presented for the approval of the Conference. The Treaty is not very long and I will read its substantive portions.

### "DRAFT TREATY.

"The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands and Portugal:

"Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

"Have resolved to conclude a Treaty for that purpose, and to that end have appointed as their respective plenipotentiaries;

\* \* \* \* \*

"Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

### "ARTICLE I.

"The Contracting Powers, other than China, agree:

"(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

"(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

"(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

"(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

"ARTICLE II.

"The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another or, individually or collectively, with any Power or Powers, which would infringe or impair the principles stated in Article I.

"ARTICLE III.

"With a view to applying more effectually the principles of the open door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers, other than China, agree that they will not seek, nor support their respective nationals in seeking—

"(a) Any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

"(b) Any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principles of equal opportunity.

"It is understood that the foregoing stipulations of this article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

"China undertakes to be guided by the principles stated in the foregoing stipulations of this article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present Treaty or not.

“ARTICLE IV.

“The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

“ARTICLE V.

“China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

“The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement, or otherwise.

“ARTICLE VI.

“The Contracting Powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is neutral she will observe the obligations of neutrality.

“ARTICLE VII.

“The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned.

“ARTICLE VIII.

“Powers not signatory to the present Treaty, which have Governments recognized by the Signatory Powers and which have treaty relations with China, shall be invited to adhere to the present Treaty. To this end the Government of the United States will make the necessary communications to non-Signatory Powers and will inform the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

## "ARTICLE IX.

"The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

"The present Treaty, of which the English and French texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

"In faith whereof the above-named plenipotentiaries have signed the present Treaty.

"Done at the city of Washington the sixth day of February, one thousand nine hundred and twenty-two."

Are you ready to proceed to the approval of this proposed treaty? Is there any discussion?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN (*speaking in English*): The proposed treaty is unanimously approved. (*Applause.*)

The Committee on Pacific and Far Eastern Questions on February 3 adopted the following resolution and recommended it to the Conference for adoption:

"The representatives of the Powers assembled at the present Conference at Washington to wit:

"The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal:

"Desiring to provide a procedure for dealing with questions that may arise in connection with the execution of the provisions of Articles III and V of the treaty to be signed at Washington on February 6, 1922, with reference to their general policy designed to stabilize con-

ditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

"Resolve that there shall be established in China a board of reference to which any questions arising in connection with the execution of the aforesaid articles may be referred for investigation and report.

"The Special Conference provided for in Article II of the treaty to be signed at Washington on February 6, 1922, with reference to the Chinese customs tariff, shall formulate for the approval of the Powers concerned a detailed plan for the constitution of the board."

This resolution is presented for your consideration. Is there any discussion desired? Are you ready to act?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: The resolution is unanimously adopted. (*Applause.*)

THE CHAIRMAN (*speaking in English*): It will be observed that certain of the resolutions adopted by the committee, and on its recommendation adopted by the Conference, are put in treaty form, and other resolutions are not put in that form. The distinction is that those engagements which it is deemed require the sanction of a treaty are put in the form of a treaty and proposed for execution by the Powers. In other cases, the resolutions are of a character not requiring such sanction in the form of a treaty, and are deemed to be binding upon the Powers according to their tenor when adopted by the Conference.

In accordance with the recommendation of the Committee on Pacific and Far Eastern Questions, the following declaration on the part of China is presented, to be spread upon the records of the Conference, as follows:

"China upon her part is prepared to give an undertaking not to alienate or lease any portion of her territory or littoral to any Power."

Shall this be placed upon the records of the Conference? Do you desire to discuss it?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: The statement will be placed upon the record of the Conference.

THE CHAIRMAN (*speaking in English*): The Committee on Pacific and Far Eastern Questions dealt with the subject of the Chinese customs tariff. Certain resolutions were adopted on January 16 with respect to this matter. These resolutions have been embodied in the form of a treaty, which is now proposed, together with the resolutions thus embodied, for the approval of the Conference. I will ask Senator Underwood to present that treaty.

SENATOR UNDERWOOD (*speaking in English*): Mr. Chairman, I realize fully that the delegates seated at this table understand why the nine Powers have agreed with China on the adoption of a customs tariff, but in this twentieth century treaties have ceased to be compacts of Governments. If they are to live and survive, must be the understandings of the people themselves. (*Applause.*)

It may seem an anomaly to the people of the world who have not studied this question that this Conference, after declaring that it recognizes the sovereignty and territorial integrity of China, should engage with China in a compact about a domestic matter which is a part of her sovereignty. To announce the treaty without an explanation may lead to misunderstanding, and therefore I ask the patience of the Conference for a few minutes that I may put in the record a statement of the historic facts leading up to present conditions, which make it necessary that this Conference should enter into this agreement.

The conclusions which have been reached with respect to the Chinese maritime customs tariff are two in number, the first being in the form of an agreement for an immediate revision of existing schedules, so as to bring



the rate of duty up to a basis of 5 per cent effective. The second is in the form of a treaty, and provides for a special conference which shall be empowered to levy surtaxes and to make other arrangements for increasing the customs schedules above the rate of 5 per cent effective.

In order to understand the nature and the reasons for these agreements, it is well to bear in mind the historical background of the present treaty adjustment, which places such a large control of the Chinese customs in the hands of foreign powers.

The origin of the Chinese customs tariff dates back to the fourteenth century, but the administration system was of such a nature that constant friction arose with foreign merchants engaged in trade with that country, and culminated in an acute controversy relating to the smuggling of opium, sometimes known as the Opium War of 1839-1842.

This controversy ended in 1842 with the Treaty of Nankin, between China and Great Britain. The Treaty of Nankin marked the beginning of Chinese relations on a recognized legal basis with the countries of the Western World, and is likewise the beginning of the history of China's present tariff system.

By the Treaty of Nankin it was agreed that five ports should be opened for foreign trade, and that a fair and regular tariff of export and import customs and other dues should be published.

In a subsequent treaty of October 8, 1843, a tariff schedule was adopted for both imports and exports, based on the general rate of 5 per cent ad valorem.

In 1844 the first treaty between China and the United States was concluded. In this treaty the tariff upon which China had agreed with Great Britain was made an integral part of its provisions, and most-favored-nation treatment was secured for the United States in the following terms:

"Citizens of the United States resorting to China shall in no case be subject to other or higher duties than are or shall be required of the people of any other nation whatever, and if additional advantages or privileges of whatever description be conceded hereafter by China to any other nation, the United States and the citizens thereof shall be entitled thereupon to a complete, equal, and impartial participation in the same."

In the same year a similar treaty between China and France was concluded, and in 1847 a like treaty was entered into with Sweden and Norway.

After an interval of a little over a decade, friction again developed and a war ensued.

In 1851, when negotiations were again resumed, silk had fallen in value, prices of foreign commodities had changed, and the former schedule of duties no longer represented the rate of 5 per cent ad valorem.

In 1858 China concluded what was known as the Tientsin Treaty with the United States, Russia, Great Britain, and France.

The British treaty, which was the most comprehensive, being completed by an agreement as to the tariff and rules of trade, was signed at Shanghai on November 8, 1858. By this agreement a schedule of duties was provided to take the place of the schedule previously in force. Most of the duties were specific, calculated on the basis of 5 per cent of the then prevailing values of articles.

The tariff schedule thus adopted in 1858 underwent no revision, except in reference to opium, until 1902.

The beginning of foreign administrative supervision of the Chinese maritime customs dates back to the time of the Taiping Rebellion, when, in September, 1853, the city of Shanghai was captured by the Taiping rebels. As a consequence the Chinese customs was closed and foreign merchants had no offices to collect customs duties.

In order to meet the emergency, the foreign consuls collected the duties until June 29, 1854, when an agreement was entered into with the British, American, and French consuls for the establishment of a foreign board of inspectors. Under this agreement a board of foreign inspectors was appointed, and continued in office until 1858, when the tariff commission met and agreed to rules of trade, of which Article X provided that a uniform customs system should be enforced at every port, and that a high officer should be appointed by the Chinese Government to superintend the foreign trade, and that this officer might select any British subject whom he might see fit to aid him in the administration of the customs revenue, and in a number of other matters connected with commerce and navigation. In 1914, just as the Great War was breaking, there were 1,357 foreigners in the Chinese customs service, representing 20 nationalities among a total of 7,441 employees.

It is appropriate to observe that the present administrative system has given very great satisfaction in the matter of its efficiency and its fairness to the interests of all concerned, and in that connection I desire to say that, when the consideration of this tariff treaty was before the subcommittee that prepared it, there was a general, and, I may say, universal sentiment about the table from the delegates representing the nine Powers, that on account of the disturbed conditions in China to-day, unsettled governmental conditions, it was desirable, if it met with the approval of China, that there should be no disturbance at this time of the present administration of the customs system. In response to that sentiment, which was discussed at the table, Dr. Koo, speaking for the Chinese Government, made a statement which I have been directed by the full committee to report to this plenary session, which is as follows:

"The Chinese Delegation has the honor to inform the Committee on the Far Eastern Questions of the Conference on the Limitation of Armament that the Chinese Government have no intention to effect any change which may disturb the present administration of the Chinese maritime customs."

Speaking only for myself, I hope that the day may not be far distant when China will have established a parliamentary government representing her people, and that thus an opportunity will be given her to exercise in every respect her full sovereignty and regulate her own customs tariffs.

But for the present, on account of the disturbed conditions in China, it is manifest that there must be an agreement and understanding between China and the other nations involved in her trade, and I want to say that this agreement as it is presented to the Conference to-day, meets the approbation of the representatives of the Chinese Government.

Between the period of 1869 and 1901 a series of agreements were entered into which establish special tariff privileges with various Powers respecting movements of trade. This period culminated in a greatly involved state of affairs which led to the Boxer Revolution, out of which grew the doctrine of the open door.

In 1902, in accordance with the terms of the Boxer protocol, a commission met at Shanghai to revise the tariff schedule. This revision applied only to the import duties and to the free list. Most of the duties were specific in character, and the remainder were at 5 per cent ad valorem. Nonenumerated goods were to pay 5 per cent ad valorem. All the duties remained subject to the restrictions of the earlier treaties, and those of the export duties which are still in force are the specific duties contained in the schedule of 1858.

In 1902 a treaty was concluded between China and Great Britain which laid a basis for the subsequent treaties between China and the United States and China and Japan in 1903, along similar lines. In the preamble of the British treaty the Chinese Government undertakes to discard completely the system of levying likin and other dues on goods at the place of production, in transit, and at destination.

The British Government in turn consents to allow a surtax on foreign goods imported by British subjects, the amount of this surtax on imports not to exceed the equivalent of one and one-half times the existing import duty. The levy of this additional surtax being contingent upon the abolition of the likin has never gone into effect, but remains, nevertheless, the broad basis upon which the general schedules of Chinese tariff duties may be increased.

It is clear from the foregoing brief summary that two measures were necessary in dealing with the Chinese cus-

toms, the first being that of the revising of the tariff schedules as they exist, so as to make them conform to the rate of 5 per cent effective, as provided by the treaty.

Second, to pave the way for the abolition of the likin, which constitutes the basis of higher rates. In the meantime, however, it is recognized that the Chinese Government requires additional revenue, and in order that this may be supplied, a special conference is charged with the levying of a surtax of 2½ per cent on ordinary duties, and a surtax of 5 per cent on the luxuries, in addition to the established rate of 5 per cent effective.

In 1896 an agreement was made between Russia and China for the construction of the Chinese Eastern Railway, and as a part of this agreement, merchandise entering China from Russia was allowed to pass the border at one-third less than the conventional customs duties. Afterwards, similar reductions were granted to France, Japan, and Great Britain, where the merchandise entered China across her land frontiers and not by sea.

This discrimination was unfair to the other nations, and not the least important paragraph in the proposed treaty is the one which abolishes this discrimination entirely.

Mr. Chairman, I shall not read the formal parts of the treaty; I shall merely read the articles that are substantive.

The first article reads:

#### "ARTICLE I.

"The representatives of the Contracting Powers having adopted, on the fourth day of February, 1922, in the city of Washington, a resolution, which is appended as an Annex to this article, with respect to the revision of Chinese customs duties, for the purpose of making such duties equivalent to an effective 5 per centum ad valorem, in accordance with existing treaties concluded by China with other nations, the Contracting Powers hereby confirm the said resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible but not earlier than two months after publication thereof."

Then follows an annex. It was intended originally for a separate resolution by the Conference to make the present rate effective. As I have stated, the rates of Chinese customs tariff were 5 per cent ad valorem, but they have been worked into specific rates, and China was not receiving under the old customs system the amount of revenue that she was entitled to under her treaty. But it was found when it was proposed to pass this merely as a resolution that as these rates had been fixed in some of the treaties and specifically named, it was necessary to include the resolution in the treaty so that it would abolish the binding power of the treaties that

had already been made and substitute this new provision in their stead.

The annex reads as follows:

**"ANNEX.**

"With a view to providing additional revenue to meet the needs of the Chinese Government, the Powers represented at this Conference, namely, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal, agree:

"That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective, as provided for in the several commercial treaties to which China is a party.

"A revision commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

"This commission shall be composed of representatives of the Powers above named and of representatives of any additional Powers having Governments at present recognized by the Powers represented at this Conference and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent ad valorem and who desire to participate therein.

"The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern Questions.

"The revised tariff shall become effective as soon as possible, but not earlier than two months after its publication by the revision commission.

"The Government of the United States, as convener of the present Conference, is requested forthwith to communicate the terms of this resolution to the Governments of Powers not represented at this Conference but who participated in the revision of 1918, aforesaid."

Then, the actual treaty provisions are incorporated, beginning with Article II, as follows:

**"ARTICLE II.**

"Immediate steps shall be taken, through a special conference, to prepare the way for the speedy abolition of likin and for the fulfillment of the other conditions laid down in Article VIII of the Treaty of September 5, 1902, between Great Britain and China, in Articles IV and V of the Treaty of October 8, 1903, between the United States and China, and in Article I of the Supple-

mentary Treaty of October 8, 1903, between Japan and China, with a view to levying the surtaxes provided for in those articles.

"The special conference shall be composed of representatives of the Signatory Powers, and of such other Powers as may desire to participate and may adhere to the present Treaty, in accordance with the provisions of Article VIII, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present Treaty, on a day and at a place to be designated by the Chinese Government.

#### "ARTICLE III.

"The special conference provided for in Article II shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties mentioned in Article II; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

"The surtax shall be at a uniform rate of 2½ per centum ad valorem; provided, that in case of certain articles of luxury which, in the opinion of the special conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased but may not exceed 5 per centum ad valorem.

#### "ARTICLE IV.

"Following the immediate revision of the customs schedule of duties on imports into China, mentioned in Article I, there shall be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to ensure that the customs duties shall correspond to the ad valorem rates fixed by the special conference provided for in Article II.

"Following this further revision there shall be, for the same purpose, periodical revisions of the customs schedule of duties on imports into China every seven years, in lieu of the decennial revision authorized by existing treaties with China.

"In order to prevent delay, any revision made in pursuance of this Article shall be effected in accordance with rules to be prescribed by the special conference provided for in Article II.

#### "ARTICLE V.

"In all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all the Contracting Powers.

“ARTICLE VI.

“The principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized. The special conference provided for in Article II shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage.

“In the meantime, any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present Treaty, shall be levied at a uniform rate ad valorem at all land and maritime frontiers of China.

“ARTICLE VII.

“The charge for transit passes shall be at the rate of 2½ per centum ad valorem until the arrangements provided for by Article II come into force.

“ARTICLE VIII.

“Powers not signatory to the present Treaty whose Governments are at present recognized by the Signatory Powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per centum ad valorem, shall be invited to adhere to the present Treaty.

“The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

“ARTICLE IX.

“The provisions of the present Treaty shall override all stipulations of treaties between China and the respective Contracting Powers which are inconsistent therewith, other than stipulations according most favored nation treatment.

“ARTICLE X.

“The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

"The present Treaty, of which the English and French texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

"In faith whereof the above-named plenipotentiaries have signed the present Treaty.

"Done at the City of Washington the sixth day of February, one thousand nine hundred and twenty-two."

(The following Agreement was adopted by the Committee on Pacific and Far Eastern questions on January 16, 1922:)

"With a view to providing additional revenue to meet the needs of the Chinese Government, the Powers represented at this Conference, namely, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal, agree:

"That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective, as provided for in the several commercial treaties to which China is a party.

"A revision commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

"This commission shall be composed of representatives of the Powers above named and of representatives of any additional Powers having Governments at present recognized by the Powers represented at this Conference and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent ad valorem and who desire to participate therein.

"The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern questions.

"The revised tariff shall become effective as soon as possible but not earlier than two months after its publication by the revision commission.

"The Government of the United States, as convener of the present Conference, is requested forthwith to communicate the terms of this resolution to the Governments of Powers not represented at this Conference but who participated in the Revision of 1918, aforesaid."

The following resolution on Chinese customs duties was adopted by the Committee on Pacific and Far Eastern questions on January 16, 1922.

"With a view to increasing the revenues of the Chinese Government, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal agree:



"II. That immediate steps be taken through a special conference to be composed of representatives of the Contracting Powers and other Powers which adhere to this Convention, to prepare the way for the speedy abolition of *likin* and for the fulfillment of the other conditions laid down in Article \_\_\_\_\_ of the Treaty of September 5, 1858 between Great Britain and China, in Articles IV and V of the Treaty of October 3, 1903, between the United States and China, and in Article I of the Supplementary Treaty of October 1, 1903, between Japan and China with a view to levying the surtax provided in those articles.

"The special conference shall meet in China within three months after the date of the ratification of this Convention in a city and at a place to be designated by the Chinese Government.

"III. The special conference shall consider the interim provisions to be applied prior to the abolition of *likin* and the fulfillment of the other conditions laid down in the articles of the treaties above mentioned; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

"The surtax shall be at a uniform rate of 2½ per cent *ad valorem* except in the case of certain articles of luxury which, in the opinion of the special conference, can bear a greater increase without unduly impeding trade, and upon which the total surtax shall not exceed five per centum.

"III. That following the immediate revision of the customs schedule of duties on imports into China as provided for in a resolution adopted by the representatives of all Powers signatory to this convention at a plenary session of the Conference on the Limitation of Armament held in the city of Washington on the \_\_\_\_\_ day of January, nineteen twenty-two, there shall be a further revision to take effect at the expiration of four years following the completion of the aforesaid revision, in order to ensure that the customs duties shall correspond to the *ad valorem* rates fixed by the special conference herein provided for.

"That following this revision there shall be periodical revisions of the customs schedule of duties on imports into China every seven years for the same purpose, in lieu of the decennial revision authorized by existing treaties with China.

"That, in order to prevent delay, such periodical revisions shall be effected in accordance with rules to be settled by the special conference mentioned in Article I herein.

"IV. That in all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all Powers parties to this Convention.

" V. That the principles of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized; that the special conference above provided for shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which the customs privilege to be abolished was granted in return for some local economic advantage.

" In the meantime, any increase in the rates of customs duties resulting from tariff revision or any surtax hereafter imposed, in pursuance of the present Convention, shall be levied at a uniform rate ad valorem at all land and maritime frontiers of China.

" VI. That the charge for transit passes shall be at the rate of 2½ per cent ad valorem until the arrangements contemplated in Article I herein come into force.

" VII. That the Powers not signatory to this Convention having governments at present recognized by the Powers represented at this Conference, but whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per cent ad valorem, shall be invited to adhere to the present Convention, and upon such adherence by all of them this Convention shall override all provisions of treaties between China and the respective Contracting Powers which are inconsistent with its terms.

" That the United States Government, as convener of the present Conference, undertakes to make the necessary communications for this purpose and to inform the Governments of the Contracting Powers of the replies received.

" VIII. (Ratification clause of usual form.)

#### " SEPARATE RESOLUTION.

" That the Government of the United States, as convener of the present Conference, be requested to communicate forthwith the terms of the agreement arrived at with regard to the Chinese tariff to the Governments of the Powers concerned as stated in this Agreement, with a view to obtaining their adherence to the Agreement as soon as possible."

In conclusion, I can say that the adoption of this treaty and putting it into effect will in all probability double the existing revenues of China received from maritime and inland customs. I say in all probability, because the amount of revenue of course is governed by the amount of imports and exports coming into a country and going out of a country, and naturally no one can predict with absolute certainty.

The Chinese Government is badly in need of this revenue, and it will be a great relief to existing conditions there if the treaty is ratified at an early date. I request its ratification.

THE CHAIRMAN (*speaking in English*): The French Delegation has been kind enough to waive the translation into French of Senator Underwood's speech.

The resolutions to which Senator Underwood referred, which have been adopted in the committee, and the Treaty embodying these resolutions, are before you for adoption and approval. Is there any discussion? Mr. Sze. (*Applause.*)

Mr. SZE (*speaking in English*): Mr. Chairman and gentlemen, with reference to the Chinese tariff question, I desire to thank Senator Underwood for his clear exposition of its origin and its historical development, and also for his sympathetic appreciation of the united and ardent aspiration of the Chinese people toward the recovery of tariff autonomy, so essential to the well-being of China. As the views of the Chinese Delegation on the various aspects of this question have been fully set forth in the various statements made by my colleague, Dr. Koo, at several meetings of the Committee on Far Eastern Questions, I shall content myself, Mr. Chairman, with a request that the following statements be spread upon the records of this session, namely: the statement of January 5, 1922; the statement of January 16, 1922; and the statement of February 3, 1922.

(The following statement on behalf of the Chinese Delegation was made in the Committee on Pacific and Far Eastern Questions on January 5, 1922:)

"Mr. Koo said that he wished to rise chiefly to express his appreciation for what Senator Underwood had accomplished. Having sat on the subcommittee of which Senator Underwood had been the distinguished chairman, he wished to give expression to his admiration of the way in which the deliberations of that body had been guided. Thanks to Senator Underwood's skill and ability, important results had been accomplished, which were now embodied in the resolution before the committee. On behalf of the Chinese Government he was glad to endorse the agreement just reached. In giving this assent he wished to take this opportunity of making a statement regarding the reestablishment of tariff autonomy—a matter to which the Chinese people attached extreme importance.

"On November 23d last, I had the honor, on behalf of the Chinese Delegation, to lay the tariff question of China before the committee. Three propositions were submitted; the principal one of them was for the restoration to China of her tariff autonomy, the other two being intended merely as provisional measures to prepare the ground for the early consummation of the main object. At the same time I stated that it was not the intention of the Chinese Government to effect any change that might disturb the present administration of the Chinese maritime customs, though this statement obviously could not

be reasonably construed to preclude China's legitimate aspirations gradually to make this important branch of the Chinese Government more national in character.

"I explained the reasons why China was desirous of recovering her freedom of action in respect of the matter of levying customs duties. The committee, after some discussion, referred the whole question to a subcommittee, of which Senator Underwood has been the distinguished chairman. The results of the discussions in the subcommittee are embodied in an agreement which has just been laid before you. It is a valuable agreement, embodying, as it does, a number of important points, connected with the effective application of the present régime of treaty tariff. But it will be noted that the question of the restoration of tariff autonomy to China is not included, it being the opinion of some members of the subcommittee that it would not be practicable to fix at present a definite period within which the existing treaty provisions on tariff were to be brought to an end, and that the question should be decided in the light of conditions that might arise in the future.

"The Chinese Delegation, however, can not but wish that a different view had prevailed. Tariff autonomy is a sovereign right enjoyed by all independent states. Its free exercise is essential to the well-being of the state. The existing treaty provisions, by which the levy of customs duties, transit dues, and other imposts is regulated, constitute not only a restriction on China's freedom of action, but an infringement on her sovereignty. Restoration to her of tariff autonomy would only be recognition of a right which is hers and which she relinquished against her will.

"The maintenance of the present tariff régime means, moreover, a continued loss of revenue to the Chinese Government. The customs import duty under this régime is limited to the very low rate of five per cent *ad valorem* for all classes of dutiable goods, compared with the average rate of 15 per cent to 60 per cent levied by other countries. In fact, because the duties are levied on the basis of a previously fixed schedule, the actual collections amount to only three and a half per cent effective. The customs revenue, therefore, constitutes only about seven and a half per cent of China's total revenue, while the average for principal countries in the West ranges from 12 per cent to 15 per cent at present, and still higher before the war. When the proposed surtax of 2½ per cent for ordinary articles and of 5 per cent on certain luxuries eventually goes into effect, more revenue will be produced, but even then, it will hardly be commensurate with the rapidly growing needs of the Chinese Government. Much of the elasticity of the fiscal systems of other states depends upon their freedom to regulate their customs duties. To provide the fullest and most unembarrassed opportunity

to China to develop and maintain for herself an effective and stable government, it is necessary to restore tariff autonomy to her at an early date.

"The necessity to levy a uniform low duty has encouraged a disproportionate increase in the import of luxuries such as wine and tobacco; and apart from the loss of revenue consequent upon giving these things the same rate as is levied on the necessities of life, the effect on the social and moral habits of the Chinese people has been altogether deleterious. A beginning has been made in the agreement before the Committee in authorizing a levy of an additional surtax of  $2\frac{1}{2}$  per cent on certain articles of luxury, but it is apparent that a greater increase is needed if a restraining influence is to be exercised in the use of these articles of luxury.

"Nor is it to be overlooked that the present treaty tariff régime is an impediment to China's economical development. Under this régime China enjoys no reciprocity from any of the powers with which she stands in treaty relations. Though every treaty power enjoys the advantage of having its wares imported into China at the exceptionally low rate of 5 per cent *ad valorem*, the Chinese produce and merchandise, on entering into any of these countries, is subjected to the maximum rates leviable, which are in some cases sixty or seventy times the rate which she herself levies on foreign imports. The necessity of levying uniform duties on all articles imported into China, on the other hand, makes these duties on such articles as machinery and raw materials for Chinese industries a handicap to China's industrial development. At present there are more than one thousand Chinese factories employing foreign machinery and methods and engaged in over thirty different kinds of important industries. To enable them to live and develop and thereby contribute to the growth of China's foreign trade in which all nations are deeply interested, some latitude is necessary in the regulation of the customs duties.

"Besides, regulation of China's tariff by treaty inevitably in the nature of things must work unjustly and to her great detriment. Thus, whenever China makes a proposal, be it for revision of the tariff to bring it more into harmony with the prevailing prices or for an increase of the customs duty to meet her increased needs, the unanimous consent of more than a dozen treaty powers is necessary. As each country naturally desires to protect and promote its own commercial interest in China, and as the industries of these treaty powers vary in character and export different kinds of merchandise, they all seek to avoid the burden of the new revision or increased rate falling upon the industries of their own countries. With this end in view, different conditions are not infrequently attached by different powers to their consent to revise the customs tariff or increase the rate.

"Thus, though this matter of customs tariff is intimately connected with the well-being of the Chinese State, the interests of the treaty powers appear to be placed at times before the legitimate interests of China. Under such circumstances the difficulty of effecting any adjustment or arrangement favorable to China can easily be conceived, and it has at times been well-nigh insurmountable. On one occasion or another there is always some power who considers its own interest in the matter of Chinese customs tariff more important than the supreme interests of China. The experience of the Chinese Delegation in the subcommittee on tariff, much as it has accomplished, has not altogether removed the ground for this opinion. But as unanimity is required, the dissent of one power is sufficient to defeat and upset a general arrangement agreed to by all the others, while by virtue of the most-favored-nation clause, a concession or privilege granted by China to one nation for a specific consideration is at once claimed by all without regard to the quid pro quo.

"In view of inherent difficulty and injustice of the present régime, and of the wholesome and desirable effect which restoration of tariff autonomy is sure to have upon the trade and economic development of China, as well as upon the evolution of her fiscal system, the Chinese Delegation feel in duty bound to declare that though this committee does not see its way to consider China's claim for the restoration of her tariff autonomy, it is not their desire, in assenting to the agreement now before you, to relinquish their claim; on the contrary, it is their intention to bring the question up again for consideration on all appropriate occasions in the future."

"Mr. Koo concluded by saying that in making this statement he had wished to define the position of the Chinese Delegation with regard to a matter which was very close to the hearts of the Chinese people, and that he had not intended to detract in any way from the value of the statement just made by the chairman of the subcommittee on Chinese revenue."

(At the eighteenth meeting of the Committee on Pacific and Far Eastern Questions, held January 16, 1922, as reported in the Chinese procès-verbal, Mr. Koo further said:)

"I wish to add a few words concerning the actual situation in China with reference to the nontreaty Powers.

"According to the draft resolution it was evident that many conditions were required to qualify a Power to participate in the proposed revision, and one of the conditions was that such a Power should have a treaty tariff with China on imports and exports. If a Power did not possess such a qualification then she would naturally be precluded from taking part in the revision. The Chinese Government had promulgated a national tariff for the

nontreaty Powers. If the rates in the national tariff were lower than those prescribed in the treaty tariff, then all the treaty Powers could immediately enjoy the benefit of the lower rates through the operation of the most-favored-nation clause. Generally, however, the rates in the national tariff were higher than the rates in the treaty tariff. Therefore, the doctrine of the open door could not be invoked to reduce the application of the Chinese national tariff with reference to the nontreaty Powers."

(The following statement for the Chinese Delegation was made in the Committee on Pacific and Far Eastern Questions on February 3, 1922):

"Mr. Koo said that while the committee was discussing this matter he might possibly be allowed to say a word. This declaration was a voluntary declaration of policy on the part of the Chinese Government and his colleagues around the table would no doubt recall that when he (Mr. Koo) had had the honor, on behalf of his delegation, to present the Chinese viewpoint on the tariff question, he had made that declaration without any suggestion or request from any quarter. He had made it because it represented the policy of the Chinese Government—as that policy had been pursued for many decades in the past; no departure from this policy was contemplated at the present time.

"So far as he was aware, there was no international treaty or convention in which this policy had been stipulated. It occurred only in two loan contracts which the Chinese Government had made in 1896 and in 1898, with two groups of foreign bankers. Of course, those contracts were still in force and their terms were still binding.

"He therefore desired to say that, when this subject had been brought up in the subcommittee, he did not recall that any question of signature had been raised. If he remembered correctly the form in which it was reported to this committee by the chairman of the subcommittee some time before was exactly the form which the members of the subcommittee had accepted. He felt certain that his colleagues around the table would not wish to make a treaty obligation, an international obligation, out of a matter which fell within the domestic policy of the Chinese Government. He felt certain that, thus explained, his colleagues would be perfectly satisfied with this declaration of policy, which was made voluntarily in the original instance and made in all good faith, and therefore he wished to say that, so far as the Chinese Delegation were concerned, they did not feel quite the necessity of putting it in just the form in which it had been suggested."

"Mr. Koo said that he also wished to remind the members of the committee, who had sat on Senator Under-

wood's subcommittee on Chinese tariff, of the statement which he (Mr. Koo) had made in the subcommittee that that declaration of intention not to disturb the present administration could not be reasonably construed to preclude the Chinese people from realizing their legitimate aspiration to make the Chinese maritime customs service an institution more national in character. Though the present system of administration had been in existence for nearly 60 years, very few Chinese had been trained by that service. Out of 44 Commissioners of Customs, distributed among the treaty ports, Mr. Koo was not aware of a single post being at present occupied by a Chinese. He had no desire to make any particular comment on this state of affairs, but he merely wished to throw some light on the subject in order to make clear the point he had in mind. The services of the present maritime customs administration had been valuable and efficient, as had been often testified to by Chinese officials in many ways, but there was nevertheless a very general feeling on the part of the Chinese people that more Chinese should be trained to assume the functions of the more responsible posts in the service. Mr. Koo felt confident, however, that in suggesting to give the Declaration of the Chinese Delegation the solemnity of a public announcement of a plenary session of the Conference, his friend and colleague, Mr. Balfour, had no desire to see the policy, embodied in the declaration, invested with the character of permanency."

Senator Underwood's statement that the present customs treaty is drawn up to meet only the present temporary conditions in China coincides with the understanding of the Chinese Delegation and the aspirations of the Chinese people, who look eagerly toward the earliest restoration of full tariff autonomy.

I may add that the present seeming disarray and unrest in China is only a transition, unavoidable in the great change of a country from a despotic form of government to that of a democratic republic. This has been the experience of all the countries of the world. The Chinese people are fully convinced that, with their genius and their experience of four thousand years of government, they will be able to evolve, at an early date, a united and strong China. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Is there any further discussion? Are you ready to act? The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?



MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: The resolutions are adopted, and the form of treaty is unanimously approved.

THE CHAIRMAN (*speaking in English*): The Committee on Pacific and Far Eastern Questions recommend the adoption of the following resolution with relation to the Chinese Eastern Railway:

"*Resolved*, That the preservation of the Chinese Eastern Railway for those in interest requires that better protection be given to the railway and the persons engaged in its operation and use, a more careful selection of personnel to secure efficiency of service, and a more economical use of funds to prevent waste of the property; that the subject should be immediately dealt with through the proper diplomatic channels."

This resolution is submitted for your approval. Do you desire to discuss it?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VON BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: It is unanimously adopted.

THE CHAIRMAN (*speaking in English*): The Powers other than China, have adopted the following resolution relating to this railway in the committee, and recommend it for adoption by the Conference:

"The Powers other than China in agreeing to the resolution regarding the Chinese Eastern Railway, reserve the right to insist hereafter upon the responsibility of China for performance of nonperformance of the obligations toward the foreign stockholders, bondholders, and creditors of the Chinese Eastern Railway Company which the Powers deem to result from the contracts

under which the railroad was built and the action of China thereunder and the obligations which they deem to be in the nature of a trust resulting from the exercise of power by the Chinese Government over the possession and administration of the railroad."

Do you desire to discuss this resolution?

Mr. SZE (*speaking in English*): May I request that the statements made by my colleague, Dr. Koo, in the full committee on February 2, with reference to the Resolution just adopted, and also the Resolution that now has been placed before this Conference, be accepted as read, and spread in the minutes of this session?

THE CHAIRMAN (*speaking in English*): If there is no objection, the statements made by Dr. Koo in the Committee on the Pacific and Far Eastern Questions, in relation to the resolution already adopted and the present resolution now offered, will be spread upon the minutes of the Conference as if read.

(There was no objection. The remarks referred to are as follows:)

"Mr. Koo stated that he rose to say a few words for the purpose of elucidating the views of the Chinese Delegation on this important question. As the Chinese Delegation viewed it, this Chinese Eastern Railway question, so far as the other Powers were concerned, had arisen out of the inter-allied agreement of 1919 to which China was a party and to which five other Powers around the table were also parties.

"There were several considerations guiding the Chinese Delegation in dealing with this question. In the first place, as the inter-allied agreement provided for supervision over the operation of the whole trans-Siberian system, including the Chinese Eastern Railway, the Delegation felt that perhaps it might give rise to misgivings in China if this one particular railway should be singled out for separate treatment. In the second place, the chief value of the Chinese Eastern Railway lay in the fact that it constituted a link in the communication between Europe on the one side and the Pacific Ocean on the other, and therefore any arrangement concerning the Chinese Eastern Railway would be of limited value if that arrangement did not include the Trans-Siberian Railway which connected with Europe and the Ussuri Railway which assured its access to the sea.

"In the third place, he said this railroad ran through Chinese territory in its entirety and the sovereign rights of China must be safeguarded.

"He would not enter into the origin and the nature of the railway company, he said, or into the relations between the railway company on the one side and the Chinese Government on the other. These points were clearly set forth in the various agreements which China made with Russia and also with the Russo-Asiatic Bank,

which controlled and owned all the stock in the railway company.

"On the basis of those three considerations, namely, that the Chinese Eastern Railway could not be singled out for separate treatment under the inter-allied agreement of 1919; that any arrangement would be of little value so far as the Eastern Railway was concerned, unless the same arrangement applied to the Usuri Railway, which assured exit to the sea; and, that no arrangement should be made which would be inconsistent with the right of China as a territorial sovereign whose vital interests were involved. On the basis of those three considerations, the representative of the Chinese Delegation first on the expert committee and later Mr. Koo himself on the subcommittee, tried to collaborate with the other members of the committees, with a view to finding a practical working arrangement, and at one stage of their labors, Mr. Koo said, he was encouraged to think that they had almost reached an agreement. He and Mr. Kammerer appointed by the Chairman of the subcommittee to work out a working basis had succeeded in producing a draft which had subsequently been laid before the subcommittee; but it was found that certain modifications in the opinion of other Delegations were necessary, which modifications, in the view of the Chinese Delegation, could not be reconciled with those considerations which Mr. Koo had stated; and in view of these complicated difficulties the subcommittee had arrived at the conclusion which had been laid before this committee by Senator Root.

"Mr. Koo further stated that in the second resolution the Powers other than China proposed to make a reservation of their right to insist hereafter on the responsibility of China for the performance or nonperformance of the obligations, etc., and that in doing so the Powers were, of course, perfectly within their rights, and it was not for him to make any comment. He wished merely to make a few observations on the views of China concerning her relations with the railway. In the first place, as regards the legal position of the railway, that was, of course, expressly defined in the agreements between China and Russia and between China and the railway, and the Russo-Asiatic Bank, and later with the railway company, and whatever changes had taken place in the internal organization of the railway had been effected by due process, reference having sometime been made to the most recent contract (October 2, 1920) entered into between the Chinese Government and the Russo-Asiatic Bank. Mr. Koo said that he knew it was not the desire of the Committee, nor was it his own desire, to discuss the question of the contract, but that he merely referred to that as a matter of information, pointing out that the said contract with the bank was entered into by the Chinese Government after it had satisfied itself that the bank

represented all the stockholders and all of the shares, which fact had been certified through the French Government.

"As regards the extent of the trust which China had assumed, that trust could only apply to the functions which formerly were exercised by the Russian Government under the agreements with China, and which were now exercised by China as a provisional measure, because of the absence of a recognized Russian Government for the time being. To that extent, of course, China assumed, so to speak, the responsibility of the Russian Government in its relation with the railroad company.

"Speaking of the practical situation, Mr. Koo said that of course there was room for improvement, undoubtedly, on the Chinese Eastern Railway, as there was room for improvement, he supposed, on every railway in the world; but he thought that the difficulties that beset the Chinese Government had been very great; the political revolution in Russia, with its consequent disorganization, having injected problems which were not expected at all, in this railway area, Russian workmen having time and again gone on strike, and the Red and White forces having struggled for control of the line. He thought it unnecessary to go into details further than to recall to the minds of his colleagues on the Committee the extraordinary steps taken in 1920 by General Horvath as director general of this railway, to declare himself supreme dictator in this railway area, investing himself, according to his proclamation, with governmental powers. Mr. Koo further stated that in every instance so far, if the testimony of the foreign press could be trusted, the Chinese authorities had handled the critical situation to the best of their ability, and so far had relieved the communities in the railway area of anxiety and of apprehension. The Chinese Government in accordance with the terms of the original contract with the Russian Government, had been providing protection for the railway and for the persons in its service to the very best of its ability, and if it had been found, in the opinion of some of the Powers, that that protection had not been adequate, the inadequacy really had been due more to the difficulties which were consequent upon the political disorganization in Russia, than to any lack of determination on the part of China fully to discharge her obligation. In fact, thanks to the protection thus given, the Chinese Eastern Railway was still in operation while some of the other railways in the Trans-Siberian system were in very unsatisfactory condition. Therefore, he desired to express the hope that the committee in considering this second resolution, would be good enough to bear in mind the observations which he had been permitted to make at this time."

THE CHAIRMAN: Upon the resolution by the Powers other than China, are you ready to act?

The United States of America assents.  
Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: The resolution is unanimously adopted by the Conference.

THE CHAIRMAN (*speaking in English*): At the last plenary session of the Conference I had the pleasure of stating that the Chinese and Japanese Delegates had informed me that they had agreed upon a settlement of the controversy relating to Shantung. I now have the pleasure of stating that I am informed by the Chinese and Japanese representatives that the proposed treaty on the question of Shantung has been agreed upon, the form of text approved, and is ready for signature. (*Applause.*)

I am directed by the Committee on Pacific and Far Eastern Questions to read, for the purpose of having the statements formally placed upon the records of the Conference, the following declarations with respect to the so-called Twenty-one Demands on the Sino-Japanese treaties and notes of 1915.

The first statement that I shall read is the statement made in the committee by Baron Shidehara on behalf of the Japanese Government. It is as follows:

"At a previous session of this committee the Chinese Delegation presented a statement urging that the Sino-Japanese Treaties and Notes of 1915 be reconsidered and cancelled. The Japanese Delegation, while appreciating the difficult position of the Chinese Delegation, does not feel at liberty to concur in the procedure now resorted to by China with a view to cancellation of international engagements which she entered into as a free sovereign nation.

"It is presumed that the Chinese Delegation has no intention of calling in question the legal validity of the compacts of 1915, which were formally signed and sealed by the duly authorized representatives of the two Governments, and for which the exchange of ratifications was effected in conformity with established international

usages. The insistence by China on the cancellation of those instruments would in itself indicate that she shares the view that the compacts actually remain in force and will continue to be effective, unless and until they are cancelled.

"It is evident that no nation can have given ready consent to cessions of its territorial or other rights of importance. If it should once be recognized that rights solemnly granted by treaty may be revoked at any time on the ground that they were conceded against the spontaneous will of the grantor, an exceedingly dangerous precedent will be established, with far-reaching consequences upon the stability of the existing international relations in Asia, in Europe, and everywhere.

"The statement of the Chinese Delegation under review declares that China accepted the Japanese demands in 1915, hoping that a day would come when she should have the opportunity of bringing them up for reconsideration and cancellation. It is, however, difficult to understand the meaning of this assertion. It can not be the intention of the Chinese Delegation to intimate that China may conclude a treaty, with any thought in mind of breaking it at the first opportunity.

"The Chinese Delegation maintains that the Treaties and Notes in question are derogatory to the principles adopted by the Conference with regard to China's sovereignty and independence. It has, however, been held by the Conference on more than one occasion that concessions made by China *ex contractu*, in the exercise of her own sovereign rites, can not be regarded as inconsistent with her sovereignty and independence.

"It should also be pointed out that the term 'Twenty-one Demands,' often used to denote the Treaties and Notes of 1915, is inaccurate and grossly misleading. It may give rise to an erroneous impression that the whole original proposals of Japan had been pressed by Japan and accepted *in toto* by China. As a matter of fact, not only 'Group V,' but also several other matters contained in Japan's first proposals were eliminated entirely or modified considerably, in deference to the wishes of the Chinese Government, when the final formula was presented to China for acceptance. Official records published by the two Governments relating to those negotiations will further show that the most important terms of the Treaties and Notes, as signed, had already been virtually agreed to by the Chinese negotiators before the delivery of the ultimatum, which then seemed to the Japanese Government the only way of bringing the protracted negotiations to a speedy close.

"The Japanese Delegation can not bring itself to the conclusion that any useful purpose will be served by research and re-examination at this Conference of old grievances which one of the nations represented here

may have against another. It will be more in line with the high aim of the Conference to look forward to the future with hope and confidence.

"Having in view, however, the changes which have taken place in the situation since the conclusion of the Sino-Japanese Treaties and Notes of 1915, the Japanese Delegation is happy to avail itself of the present occasion to make the following declaration:

"1. Japan is ready to throw open to the joint activity of the International Financial Consortium recently organized, the right of option granted exclusively in favor of Japanese capital, with regard, first, to loans for the construction of railways in South Manchuria and Eastern Inner Mongolia, and, second, to loans to be secured on taxes in that region; it being understood that nothing in the present declaration shall be held to imply any modification or annulment of the understanding recorded in the officially announced notes and memoranda which were exchanged among the Governments of the countries represented in the Consortium and also among the national financial groups composing the Consortium, in relation to the scope of the joint activity of that organization.

"2. Japan has no intention of insisting on her preferential right under the Sino-Japanese arrangements in question concerning the engagement by China of Japanese advisers or instructors on political, financial, military, or police matters in South Manchuria.

"3. Japan is further ready to withdraw the reservation which she made, in proceeding to the signature of the Sino-Japanese Treaties and Notes of 1915, to the effect that Group V of the original proposals of the Japanese Government would be postponed for future negotiations."

"It would be needless to add that all matters relating to Shantung contained in those Treaties and Notes have now been definitely adjusted and disposed of.

"In coming to this decision, which I have had the honor to announce, Japan has been guided by a spirit of fairness and moderation, having always in view China's sovereign rights and the principle of equal opportunity."

In response to that statement made on behalf of the Japanese Government, Dr. Wang made to the committee the following statement on behalf of the Chinese Delegation:

"The Chinese Delegation has taken note of the statement of Baron Shidehara made at yesterday's session of the Committee with reference to the Sino-Japanese Treaties and Notes of May 25, 1915.

"The Chinese Delegation learns with satisfaction that Japan is now ready to throw open to the joint activity of the banking interests of other Powers the right of option granted exclusively in favor of Japanese capital with regard, first, to loans for the construction of rail-

ways in South Manchuria and Eastern Inner Mongolia, and, second, to loans secured on taxes in that region; and that Japan has no intention of insisting upon a preferential right concerning the engagement by China of Japanese advisors or instructors on political, financial, military or police matters in South Manchuria; also that Japan now withdraws the reservation which she made to the effect that Group V of her original demands upon China should be postponed for future negotiation.

"The Chinese Delegation greatly regrets that the Government of Japan should not have been led to renounce the other claims predicated upon the Treaties and Notes of 1915.

"The Japanese Delegation expressed the opinion that abrogation of these agreements would constitute 'an exceedingly dangerous precedent,' 'with far-reaching consequences upon the stability of the existing international relations in Asia, in Europe and everywhere.'

"The Chinese Delegation has the honor to say that a still more dangerous precedent will be established with consequences upon the stability of international relations which can not be estimated, if, without rebuke or protest from other Powers, one nation can obtain from a friendly but, in a military sense, weaker neighbor, and under circumstances such as attended the negotiation and signing of the Treaties of 1915, valuable concessions which were not in satisfaction of pending controversies and for which no *quid pro quo* was offered. These treaties and notes stand out, indeed, unique in the annals of international relations. History records scarcely another instance in which demands of such a serious character as those which Japan presented to China in 1915, have, without even pretense of provocation, been suddenly presented by one nation to another nation with which it was at the time in friendly relations.

"No apprehension need be entertained that the abrogation of the agreements of 1915 will serve as a precedent for the annulment of other agreements, since it is confidently hoped that the future will furnish no such similar occurrences.

"So exceptional were the conditions under which the agreements of 1915 were negotiated, that the Government of the United States felt justified in referring to them in the identical note of May 13, 1915, which it sent to the Chinese and Japanese Governments. That note began with the statement that 'in view of the circumstances which have taken place and which are now pending between the Government of China and the Government of Japan and of the agreements which have been reached as the result thereof, the Government of the United States has the honor to notify the Government of the Chinese Republic (Japan) that it can not recognize any agreement or undertaking which has been entered into between the Governments of China and Japan impairing



the treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of China, or the international policy relative to China commonly known as the Open Door Policy.'

"Conscious of her obligations to the other Powers, the Chinese Government, immediately after signing the agreements, published a formal statement protesting against the agreements which she had been compelled to sign, and disclaiming responsibility for consequent violations of treaty rights of the other Powers. In the statement thus issued the Chinese Government declared that although they were 'constrained to comply in full with the terms of the (Japanese) ultimatum' they nevertheless 'disclaim any desire to associate themselves with any revision which may be thus effected, of the various conventions and agreements concluded between the other Powers in respect of the maintenance of China's territorial independence and integrity, the preservation of the *status quo*, and the principle of equal opportunity for the commerce and industry of all nations in China.'

"Because of the essential injustice of these provisions, the Chinese Delegation, acting in behalf of the Chinese Government and of the Chinese people, has felt itself in duty bound to present to this conference, representing the Powers with substantial interests in the Far East, the question as to the equity and justice of these agreements and therefore as to their fundamental validity.

"If Japan is disposed to rely solely upon a claim as to the technical or juristic validity of the agreements of 1915, as having been actually signed in due form by the two Governments, it may be said that so far as this Conference is concerned the contention is largely irrelevant, for this gathering of the representatives of the nine Powers has not had for its purpose the maintenance of the legal *status quo*. Upon the contrary, the purpose has been, if possible, to bring about such changes in existing conditions upon the Pacific and in the Far East as might be expected to promote that enduring friendship among the nations of which the President of the United States spoke in his letter of invitation to the Powers to participate in this Conference.

"For the following reasons, therefore, the Chinese Delegation is of the opinion that the Sino-Japanese Treaties and Exchange of Notes of May 25, 1915, should form the subject of impartial examination with a view to their abrogation:

"1. In exchange for the concessions demanded of China, Japan offered no *quid pro quo*. The benefits derived from the agreements were wholly unilateral.

"2. The agreements, in important respects, are in violation of treaties between China and the other powers.

"3. The agreements are inconsistent with the principles relating to China which have been adopted by the conference.

"4. The agreements have engendered constant misunderstanding between China and Japan, and, if not abrogated, will necessarily tend, in the future, to disturb friendly relations between the two countries, and will thus constitute an obstacle in the way of realizing the purpose for the attainment of which this Conference was convened. As to this, the Chinese Delegation, by way of conclusion, can, perhaps, do no better than quote from a resolution introduced in the Japanese Parliament, in June, 1915, by Mr. Hara, later Premier of Japan, a resolution which received the support of some one hundred and thirty of the members of the parliament.

"The resolution reads:

"*Resolved.* That the negotiations carried on with China by the present Government have been inappropriate in every respect; that they are detrimental to the amicable relationship between the two countries, and provocative of suspicions on the part of the Powers; that they have the effect of lowering the prestige of the Japanese Empire; and that, while far from capable of establishing the foundation of peace in the Far East, they will form the source of future trouble."

"The foregoing declaration has been made in order that the Chinese Government may have upon record the view which it takes, and will continue to take, regarding the Sino-Japanese Treaties and Exchange of Notes of May 25, 1915."

Thereupon, on behalf of the American Government, I stated to the Committee the position of the Government of the United States:

"The important statement made by Baron Shidehara on behalf of the Japanese Government makes it appropriate that I should refer to the position of the Government of the United States as it was set forth in identical notes addressed by that Government to the Chinese Government and to the Japanese Government on May 13, 1915."

"The note to the Chinese Government was as follows:

"In view of the circumstances of the negotiations which have taken place and which are now pending between the Government of China and the Government of Japan and of the agreements which have been reached as a result thereof, the Government of the United States has the honor to notify the Government of the Chinese Republic that it can not recognize any agreement or undertaking which has been entered into or which may be entered into between the Governments of China and Japan impairing the Treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of China, or the international policy relative to China commonly known as the Open Door Policy."

"An identical note has been transmitted to the Imperial Japanese Government."

- That statement was in accord with the historic policy of the United States in its relation to China, and its position as thus stated has been, and still is, consistently maintained.

- It has been gratifying to learn that the matters concerning Shantung, which formed the substance of Group 1 of the original demands, and were the subject of the Treaty and exchange of notes with respect to the province of Shantung, have been settled to the mutual satisfaction of the two parties by negotiations conducted collaterally with this Conference, as reported to the Plenary Session on February 1st.

- It is also gratifying to be advised by the statement made by Baron Shidehara on behalf of the Japanese Government that Japan is now ready to withdraw the reservation which she made, in proceeding to the signature of the treaties and notes of 1915, to the effect that Group 5 of the original proposals of the Japanese Government—namely, those concerning the employment of influential Japanese as political, financial, and military advisers; land for schools and hospitals; certain railways in South China; the supply of arms, and the right of preaching—would be postponed for future negotiations. This definite withdrawal of the outstanding questions under Group 5 removes what has been an occasion for considerable apprehension on the part alike of China and of foreign nations which felt that the renewal of these demands could not but prejudice the principles of the Integrity of China and of the Open Door.

- With respect to the Treaty and the notes concerning South Manchuria and Eastern Inner Mongolia, Baron Shidehara has made the reassuring statement that Japan has no intention of insisting on a preferential right concerning the engagement by China of Japanese advisers or instructors on political, financial, military, or police matters in South Manchuria.

- Baron Shidehara has likewise indicated the readiness of Japan not to insist upon the right of option granted exclusively in favor of Japanese capital with regard, first, to loans for the construction of railways in South Manchuria and Eastern Inner Mongolia; and, second, with regard to loans secured on the taxes of those regions; but that Japan will throw them open to the joint activity of the international financial Consortium recently organized.

- As to this, I may say that it is doubtless the fact that any enterprise of the character contemplated, which may be undertaken in these regions by foreign capital, would in all probability be undertaken by the Consortium. But it should be observed that existing treaties would leave the opportunity for such enterprises open on terms of equality to the citizens of all nations. It can scarcely be assumed that this general right of the Treaty Powers of China can be effectively restricted to the nationals of

those countries which are participants in the work of the Consortium, or that any of the Governments which have taken part in the organization of the Consortium would feel themselves to be in a position to deny all rights in the matter to any save the members of their respective national groups in that organization. I therefore trust that it is in this sense that we may properly interpret the Japanese Government's declaration of willingness to relinquish its claim under the 1915 treaties to any exclusive position with respect to railway construction and to financial operations secured upon local revenues, in South Manchuria and Eastern Inner Mongolia.

"It is further to be pointed out that by Articles II, III, and IV of the Treaty of May 25, 1915, with respect to South Manchuria and Eastern Inner Mongolia, the Chinese Government granted to Japanese subjects the right to lease land for building purposes, for trade and manufacture, and for agricultural purposes in South Manchuria, to reside and travel in South Manchuria, and to engage in any kind of business and manufacture there, and to enter into joint undertakings with Chinese citizens in agriculture and similar industries in Eastern Inner Mongolia.

"With respect to this grant, the Government of the United States will, of course, regard it as not intended to be exclusive, and, as in the past, will claim from the Chinese Government for American citizens the benefits accruing to them by virtue of the most favored nation clauses in the treaties between the United States and China.

"I may pause here to remark that the question of the validity of treaties as between Japan and China is distinct from the question of the treaty rights of the United States under its treaties with China; these rights have been emphasized and consistently asserted by the United States.

"In this, as in all matters similarly affecting the general right of its citizens to engage in commercial and industrial enterprises in China, it has been the traditional policy of the American Government to insist upon the doctrine of equality for the nationals of all countries, and this policy, together with the other policies mentioned in the note of May 13, 1915, which I have quoted, are consistently maintained by this government. I may say that it is with especial pleasure that the Government of the United States finds itself now engaged in the act of reaffirming and defining, and I hope that I may add, revitalizing, by the proposed Nine-Power Treaty, these policies with respect to China." (*Applause.*)

After these statements it was proposed and decided in the committee that the statements thus made should be reported to the Conference to be spread upon its record. In the course of the vote Mr. Koo stated in the committee that his colleagues and he himself desired to indorse the

Chairman's suggestion that all of the statements on this very important question should be spread upon the records of the Conference, it being understood of course that the Chinese Delegation reserved their right to seek a solution on all future appropriate occasions concerning those portions of the treaties and notes of 1915 which did not appear to have been expressly relinquished by the Japanese Government. The Chairman stated:

"Of course it is understood that the rights of all Powers are reserved with respect to the matters mentioned by Mr. Koo."

The question now is upon the approval of the resolution that these statements be spread upon the minutes of the Conference as a part of its permanent record. Do you desire to discuss it?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: It is so ordered.

THE CHAIRMAN (*speaking in English*): I am permitted to announce to the Conference that a supplement to the Four Power Treaty has been agreed upon and its terms will be stated by Senator Lodge. (*Applause*).

SENATOR LODGE (*speaking in English*): Mr. Chairman, I have the honor to communicate to the Conference the following supplementary treaty:

"The United States of America, the British Empire, France and Japan have, through their respective Plenipotentiaries, agreed upon the following stipulations supplementary to the Quadruple Treaty signed at Washington on December 13, 1921:

"The term 'insular possessions and insular dominions' used in the aforesaid Treaty shall, in its application to Japan, include only Karafuto (or the Southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

"The present agreement shall have the same force and effect as the said Treaty to which it is supplementary.

"The provisions of Article IV of the aforesaid Treaty of December 13, 1921, relating to ratification shall be

applicable to the present Agreement, which in French and English shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other Contracting Powers.

"In faith whereof the respective Plenipotentiaries have signed the present Agreement.

"Done at the City of Washington, the sixth day of February, One Thousand Nine Hundred and Twenty-two."

THE CHAIRMAN (*speaking in English*): I am directed by the Committee on Pacific and Far Eastern Affairs to report to the Conference that in the discussion of matters relating to Siberia the following statement was made to the Committee by Baron Shidehara on behalf of the Japanese Government. The statement is as follows:

"The military expedition of Japan to Siberia was originally undertaken in common accord and in cooperation with the United States in 1918. It was primarily intended to render assistance to the Czecho-Slovak troops who in their homeward journey across Siberia from European Russia, found themselves in grave and pressing danger at the hands of hostile forces under German command. The Japanese and American expeditionary forces together with other allied troops fought their way from Vladivostok far into the region of the Amur and the Trans-Baikal Provinces to protect the railway lines which afforded the sole means of transportation of the Czecho-Slovak troops from the interior of Siberia to the port of Vladivostok. Difficulties which the Allied forces had to encounter in their operations in the severe cold winter of Siberia were immense.

"In January, 1920, the United States decided to terminate its military undertaking in Siberia, and ordered the withdrawal of its forces. For some time thereafter, Japanese troops continued alone to carry out the duty of guarding several points along the Trans-Siberian Railways in fulfillment of Inter-Allied arrangements, and of affording facilities to the returning Czecho-Slovaks.

"The last column of Czecho-Slovak troops safely embarked from Vladivostok in September, 1920. Ever since then, Japan has been looking forward to an early moment for the withdrawal of her troops from Siberia. The maintenance of such troops in a foreign land is for her a costly and thankless undertaking, and she will be only too happy to be relieved of such responsibility. In fact, the evacuation of the Trans-Baikal and the Amur Provinces was already complete in 1920. The only region which now remains to be evacuated is a southern portion of the Maritime Province around Vladivostok and Nikolsk.

"It will be appreciated that for Japan the question of the withdrawal of troops from Siberia is not quite as

simple as it was for other Allied Powers. In the first place, there is a considerable number of Japanese residents who had lawfully and under guarantees of treaty established themselves in Siberia long before the Bolshevik eruption, and were there entirely welcomed. In 1917, prior to the joint American-Japanese military enterprise, the number of such residents was already no less than 9,717. In the actual situation prevailing there, these Japanese residents can hardly be expected to look for the protection of their lives and property to any other authorities than Japanese troops. Whatever districts these troops have evacuated in the past have fallen into disorder, and practically all Japanese residents have had precipitately to withdraw, to seek for their personal safety. In so withdrawing, they have been obliged to leave behind large portions of their property, abandoned and unprotected, and their homes and places of business have been destroyed. While the hardships and losses thus caused the Japanese in the Trans-Baikal and the Amur provinces have been serious enough, more extensive damages are likely to follow from the evacuation of Vladivostok, in which a large number of Japanese have always been resident and a greater amount of Japanese capital invested.

"There is another difficulty by which Japan is faced in proceeding to the recall of her troops from the Maritime Province. Due to geographical propinquity, the general situation in the districts around Vladivostok and Nikolsk is bound to affect the security of Korean frontier. In particular, it is known that these districts have long been the base of Korean conspiracies against Japan. Those hostile Koreans, joining hands with lawless elements in Russia, attempted in 1920 to invade Korea through the Chinese territory of Chienta. They set fire to the Japanese Consulate at Hunchun, and committed indiscriminate acts of murder and pillage. At the present time, they are under the effective control of Japanese troops stationed in the Maritime Province, but they will no doubt renew the attempt to penetrate into Korea at the first favorable opportunity that may present itself.

"Having regard to those considerations, the Japanese Government have felt bound to exercise precaution in carrying out the contemplated evacuation of the Maritime Province. Should they take hasty action without adequate provision for the future they would be delinquent in their duty of affording protection to a large number of their nationals resident in the districts in question and of maintaining order and security in Korea.

"It should be made clear that no part of the Maritime Province is under Japan's military occupation. Japanese troops are still stationed in the southern portion of that Province, but they have not set up any civil or military administration to displace local authorities. Their

activity is confined to measures of self-protection against the menace to their own safety and to the safety of their country and nationals. They are not in occupation of those districts any more than American or other Allied troops could be said to have been in occupation of the places in which they were formerly stationed.

"The Japanese Government are anxious to see an orderly and stable authority speedily reestablished in the Far Eastern possessions of Russia. It was in this spirit that they manifested a keen interest in the patriotic but ill-fated struggle of Admiral Kolchak. They have shown readiness to lend their good offices for prompting the reconciliation of various political groups in Eastern Siberia. But they have carefully refrained from supporting one faction against another. It will be recalled, for instance, that they withheld all assistance from General Rozanow against the revolutionary movements which led to his overthrow in January, 1920. They maintained an attitude of strict neutrality, and refused to interfere in these movements, which it would have been quite easy for them to suppress, if they had so desired.

"In relation to this policy of nonintervention, it may be useful to refer briefly to the past relations between the Japanese authorities and Ataman Semenov, which seem to have been a source of popular misgiving and speculation. It will be remembered that the growing rapprochement between the Germans and the Bolshevik Government in Russia in the early part of 1918 naturally gave rise to apprehensions in the Allied countries that a considerable quantity of munitions supplied by those countries and stored in Vladivostok might be removed by the Bolsheviks to European Russia, for the use of the Germans. Ataman Semenov was then in Siberia and was organizing a movement to check such Bolshevik activities and to preserve order and stability in that region. It was in this situation that Japan, as well as some of the Allies, began to give support to the Cossack Chief. After a few months, such support by the other Powers was discontinued; the Japanese were reluctant to abandon their friend, whose efforts in the Allied cause they had originally encouraged; and they maintained for some time their connection with Ataman Semenov. They had, however, no intention whatever of interfering in the domestic affairs of Russia, and when it was found that the assistance rendered to the Ataman was likely to complicate the internal situation in Siberia, they terminated all relations with him and no support of any kind has since been extended to him by the Japanese authorities.

"The Japanese Government are now seriously considering plans which would justify them in carrying out their decision of the complete withdrawal of Japanese troops from the Maritime Province, with reasonable precaution for the security of Japanese residents and of the



Korean frontier regions. It is for this purpose that negotiations were opened some time ago at Dairen between the Japanese representatives and the agents of the Chita Government.

- Those negotiations at Dairen are in no way intended to secure for Japan any right or advantage of an exclusive nature. They have been solely actuated by a desire to adjust some of the more pressing questions with which Japan is confronted in relation to Siberia. They have essentially in view the conclusion of provisional commercial arrangements, the removal of the existing menace to the security of Japan and to the lives and property of Japanese residents in Eastern Siberia, the provision of guarantees for the freedom of lawful undertakings in that region and the prohibition of Bolshevik propaganda over the Siberian border. Should adequate provisions be arranged on the line indicated, the Japanese Government will at once proceed to the complete withdrawal of Japanese troops from the Maritime Province.

"The occupation of certain points in the Russian Province of Sakhalin is wholly different, both in nature and in origin, from the stationing of troops in the Maritime Province. History affords few instances similar to the incident of 1920 at Nikolaievsk, where more than seven hundred Japanese, including women and children, as well as the duly recognized Japanese Consul and his family and his official staff, were cruelly tortured and massacred. No nation worthy of respect will possibly remain forbearing under such a strain of provocation. Nor was it possible for the Japanese Government to disregard the just popular indignation aroused in Japan by the incident. Under the actual condition of things, Japan found no alternative but to occupy, as a measure of reprisal, certain points in the Russian Province of Sakhalin in which the outrage was committed, pending the establishment in Russia of a responsible authority with whom she can communicate in order to obtain due satisfaction.

"Nothing is further from the thought of the Japanese Government than to take advantage of the present helpless conditions of Russia for prosecuting selfish designs. Japan recalls with deep gratitude and appreciation the brilliant rôle which Russia played in the interest of civilization during the earlier stage of the Great War. The Japanese people have shown and will continue to show every sympathetic interest in the efforts of patriotic Russians aspiring to the unity and rehabilitation of their country. The military occupation of the Russian Province of Sakhalin is only a temporary measure, and will naturally come to an end as soon as a satisfactory settlement of the question shall have been arranged with an orderly Russian Government.

"In conclusion, the Japanese Delegation is authorized to declare that it is the fixed and settled policy of Japan

to respect the territorial integrity of Russia and to observe the principle of nonintervention in the internal affairs of that country, as well as the principle of equal opportunity for the commerce and industry of all nations in every part of the Russian possessions."

I am also directed by the Committee on Pacific and Far Eastern Questions to present to the Conference for inclusion in its records the statement which I made in response to this statement by Baron Shidehara with respect to Siberia. This statement is made on behalf of the American Government:

"The American Delegation has heard the statement by Baron Shidehara and has taken note of the assurance given on behalf of the Japanese Government with respect to the withdrawal of Japanese troops from the Maritime Province of Siberia and from the Province of Sakhalin. The American Delegation has also noted the assurance of Japan by her authorized spokesman that it is her fixed and settled policy to respect the territorial integrity of Russia, and to observe the principle of nonintervention in the internal affairs of that country, as well as the principle of equal opportunity for the commerce and industry of all nations in every part of the Russian possessions.

"These assurances are taken to mean that Japan does not seek, through her military operations in Siberia, to impair the rights of the Russian people in any respect, or to obtain any unfair commercial advantages, or to absorb for her own use the Siberian fisheries, or to set up an exclusive exploitation either of the resources of Sakhalin or of the Maritime Province.

"As Baron Shidehara pointed out, the military expedition of Japan to Siberia was originally undertaken in common accord and in cooperation with the United States. It will be recalled that public assurances were given at the outset by both Governments of a firm intention to respect the territorial integrity of Russia and to abstain from all interference in Russian internal politics. In view of the reference by Baron Shidehara to the participation of the American Government in the expedition of 1918, I should like to place upon our records for transmission to the Conference the purposes which were then clearly stated by both Governments.

"The American Government set forth its aims and policies publicly in July, 1918. The purposes of the expedition were said to be, first, to help the Czechoslovaks consolidate their forces; second, to steady any efforts at self-government or self-defense in which the Russians themselves might be willing to accept assistance; and, third, to guard the military stores at Vladivostok.

"The American Government opposed the idea of a military intervention, but regarded military action as admissible at the time solely for the purpose of helping

the Czecho-Slovaks consolidate their forces and get into successful cooperation with their Slavic kinsmen, and to steady any efforts at self-government or self-defense in which the Russians themselves might be willing to accept assistance. It was stated that the American Government proposed to ask all associated in this course of action to unite in assuring the people of Russia, in the most public and solemn manner, that none of the Governments uniting in action either in Siberia or in northern Russia contemplated any interference of any kind with the political sovereignty of Russia, any intervention in her internal affairs or any impairment of her territorial integrity either now or thereafter, but that each of the Associated Powers had the single object of affording such aid as should be acceptable, and only such aid as should be acceptable, to the Russian people in their endeavor to regain control of their own affairs, their own territory, and their own destiny.

"What I have just stated is found in the public statement of the American Government at that time.

"The Japanese Government, with the same purpose, set forth its position in a statement published by the Japanese Government on August 2, 1918, in which it was said:

"The Japanese Government, being anxious to fall in with the desires of the American Government and also to act in harmony with the Allies in this expedition, have decided to proceed at once to dispatch suitable forces for the proposed mission. A certain number of these troops will be sent forthwith to Vladivostock. In adopting this course, the Japanese Government remain unshaken in their constant desire to promote relations of enduring friendship with Russia and the Russian people, and reaffirm their avowed policy of respecting the territorial integrity of Russia and of abstaining from all interference in her internal politics. They further declare that, upon the realization of the projects above indicated, they will immediately withdraw all Japanese troops from Russian territory and will leave wholly unimpaired the sovereignty of Russia in all its phases, whether political or military."

The United States of America withdrew its troops from Siberia in the spring of 1920, because it considered that the original purposes of the expedition had either been accomplished or would no longer be subserved by continued military activity in Siberia. The American Government then ceased to be a party to the expedition, but it remained a close observer of events in Eastern Siberia and has had an extended diplomatic correspondence on this subject with the Government of Japan.

It is to be frankly avowed that this correspondence has disclosed an identity of views between the two Governments. The United States has not been un-

mindful of the direct exposure of Japan to bolshevism in Siberia and the special problems which the conditions existing there have created for the Japanese Government, but it has been strongly disposed to the belief that the public assurances given by the two Governments at the inception of the joint expedition nevertheless required the complete withdrawal of Japanese troops from all Russian territory—if not immediately after the departure of the Czecho-Slovak troops, then within a reasonable time.

"As to the occupation of Sakhalin in reprisal for the massacre of the Japanese at Nikolaievsk, the United States, not unimpressed by the serious character of that catastrophe, but, having in mind the conditions accepted by both governments at the outset of the joint expedition, of which the Nikolaievsk massacres must be considered an incident, it has regretted that Japan should deem necessary the occupation of Russian territory as a means of assuring a suitable adjustment with a future Russian Government.

"The general position of the American Government was set forth in a communication to Japan of May 31, 1921. In that communication appears the following statement:

"The Government of the United States would be untrue to the spirit of cooperation which led it, in the summer of 1918, upon an understanding with the Government of Japan, to dispatch troops to Siberia, if it neglected to point out that, in its view, continued occupation of the strategic centers in Eastern Siberia—involving the indefinite possession of the port of Vladivostok, the stationing of troops at Habarovsk, Nikolai-evsk, De Castries, Mago, Sophiesk, and other important points, the seizure of the Russian portion of Sakhalin, and the establishment of a civil administration, which inevitably lends itself to misconception and antagonism—tends rather to increase than to allay the unrest and disorder in that region.

"The military occupation'—

"I am still reading from the note of May 31, 1921—

"The military occupation in reprisal for the Nikolaievsk affair is not fundamentally a question of the validity of procedure under the recognized rules of international law."

"The note goes on to say that 'the issue presented is that of the scrupulous fulfillment of the assurances given to the Russian people, which were a matter of frank exchanges and of apparently complete understanding between the Government of the United States and of Japan. These assurances were intended by the Government of the United States to convey to the people of Russia a promise on the part of the two Governments not to use the joint expedition, or any incidents which might arise

out of it, as an occasion to occupy territory, even temporarily, or to assume any military or administrative control over the people of Siberia.

"Further, in the same note, the American Government stated its position as follows:

"In view of its conviction that the course followed by the Government of Japan brings into question the very definite understanding concluded at the time troops were sent to Siberia, the Government of the United States must in candor explain its position and say to the Japanese Government that the Government of the United States can neither now nor hereafter recognize as valid any claims or titles arising out of the present occupation and control, and that it can not acquiesce in any action taken by the Government of Japan which might impair existing treaty rights or the political or territorial integrity of Russia.

"The Government of Japan will appreciate that, in expressing its views, the Government of the United States has no desire to impute to the Government of Japan motives or purposes other than those which have heretofore been so frankly avowed. The purpose of this Government is to inform the Japanese Government of its own conviction that, in the present time of disorder in Russia, it is more than ever the duty of those who look forward to the tranquillization of the Russian people, and a restoration of normal conditions among them, to avoid all action which might keep alive their antagonism and distrust towards outside political agencies. Now, especially, it is incumbent upon the friends of Russia to hold aloof from the domestic contentions of the Russian people, to be scrupulous to avoid inflicting what might appear to them a vicarious penalty for sporadic acts of lawlessness, and, above all to abstain from even the temporary and conditional impairment by any foreign Power of the territorial status which, for them as for other peoples, is a matter of deep and sensitive national feeling transcending perhaps even the issues at stake among themselves."

"To that American note the Japanese Government replied in July, 1921, setting forth in substance what Baron Shidehara has now stated to this Committee, pointing out the conditions under which Japan had taken the action to which reference was made, and giving the assurances, which have here been reiterated, with respect to its intention and policy.

"While the discussion of these matters has been attended with the friendliest feeling, it has naturally been the constant and earnest hope of the American Government—and of Japan as well, I am sure—that this occasion for divergence of views between the two Governments might be removed with the least possible delay. It has been with a feeling of special gratification, there-

fore, that the American Delegation has listened to the assurance given by their Japanese colleague, and it is with the greatest friendliness that they reiterate the hope that Japan will find it possible to carry out within the near future her expressed intention of terminating finally the Siberian expedition and of restoring Sakhalin to the Russian people." (*Applause.*)

M. Sarraut addressed the committee as follows:

"He said he gave his full and unreserved adherence to this resolution. In giving this unreserved adherence, he liked to remember that France was the oldest ally, perhaps, of Russia, and in this respect it was with a particular feeling of gratification that he would state that he had listened with great pleasure to the exchange of views that had just taken place before the committee between the representatives of the United States and Japan. The French Government would hear with the same feelings the formal assurance given by Baron Shidehara of the intention of the Japanese Government concerning Siberia; of Japan's desire to withdraw her troops from Russia as soon as possible; of its firm intention not to interfere in the domestic affairs of Russia; and of its firm purpose to respect the integrity of Russia.

"France had full trust in Japan, who had always proved a loyal and trustworthy friend. It was quite certain that this assurance would be carried out. France accepted this with all the more pleasure because it was exactly the program which the French Government had adopted in 1918 and which led them to interfere in Siberia under the same conditions as those set forth so exactly by the Secretary of State of the United States. At this point he could not fail to restate quite clearly France's intention, like that of her Allies, to respect the integrity of Russia, and to have the integrity of Russia respected, and not to interfere in her internal policy.

"France remained faithful to the friendship of Russia, which she could not forget. She entertained feelings of gratitude to the Russian people, as she did to her other Allies. Russia had been her friend of the first hour, and she was loyal; she had stuck to her word until the Russian Government was betrayed in the way with which those present were familiar. France also remained faithful to the hope that the day would come when through the channel of a normal and regular government great Russia would be able to go ahead and fulfill her destiny. Then it would be good for her to find unimpaired the patrimony that had been kept for her by the honesty and loyalty of her Allies. It was with this feeling that the French Delegation with great pleasure concurred in the adoption of the present resolution."

The Chairman stated that it was recommended by the committee that these statements be spread upon the minutes of the Conference as a part of its permanent record.

Do you desire to discuss the matter? Are you ready to act?

The United States of America assents.  
Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): That concludes the report with respect to the Committee on Pacific and Far Eastern Questions.

For the Committee on Limitation of Armament. I have the honor to report that a resolution has been adopted providing for a commission to examine the rules made necessary by recent experience with respect to the new agencies of warfare. I will ask Mr. Root to present the resolution. (*Applause.*)

MR. ROOT (*speaking in English*): Mr. Chairman, at a recent meeting of the Committee on Naval Affairs the following resolution was adopted:

"The United States of America, the British Empire, France, Italy, and Japan have agreed:

"I. That a commission composed of not more than two members representing each of the above-mentioned Powers shall be constituted to consider the following questions:

"(a) Do existing rules of international law adequately cover new methods of attack or defense resulting from the introduction or development, since the Hague Conference of 1907, of new agencies of warfare?

"(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

"II. That notices of appointment of the members of the commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present Conference, which, after consultation with the Powers concerned, will fix the day and place for the meeting of the commission.

"III. That the commission shall be at liberty to request assistance and advice from experts in international law and in land, naval, and aerial warfare.

"IV. That the commission shall report its conclusions to each of the Powers represented in its membership. Those Powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers."

The committee also adopted a resolution which is in effect a part of the resolution I have just read:

"*Resolved*, That it is not the intention of the Powers agreeing to the appointment of a commission to consider and report upon the rules of international law respecting new agencies of warfare that the commission shall review or report upon the rules or declarations relating to submarines or the use of noxious gases and chemicals already adopted by the Powers in this conference."

I submit these resolutions for action, as constituting one body of resolutions.

THE CHAIRMAN: The resolutions are before you for approval. Are you ready to act?

The United States of America assents.

The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The resolutions are unanimously adopted.

THE CHAIRMAN (*speaking in English*): I have also to report that the following resolution was recorded in the Committee on Limitation of Armament and, by its direction, is reported to be included in the record of the full Conference. This relates to a provision in the Five-Power Treaty with regard to the disposition of capital ships.

The resolution is as follows:

"It should therefore be recorded in the minutes of the subcommittee and before the full Conference that the Powers signatory of the Treaty of Naval Limitation regard themselves in honor bound not to sell any ships between the present date and the ratification of the Treaty when such a sale would be a breach of Article XVIII."

Shall this be spread upon the record of the Conference?

The United States of America assents.

The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.



THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: It is so ordered.

THE CHAIRMAN (*speaking in English*): I assume that we should provide for the closing of the work of the Secretariat General. The minutes of the present meeting may be submitted for approval to the next and closing session of the Conference. Provision has already been made in the committees by which the Secretary General is authorized to provide for the correction of the minutes of the meetings by representatives appointed for that purpose on behalf of the several delegations, and to take the minutes as thus corrected and provide for their printing and publication in permanent form. I assume that that action on the part of the committees should be approved by the Conference, and the Secretary General be directed accordingly, and also that the Secretary General be directed to take the minutes of the plenary sessions of the Conference, as finally corrected, and provide for their printing and publication in permanent form. Do you desire any discussion of that question? Are you ready to act upon the matter?

The United States of America assents.

Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): Is there any further matter that any of the Delegates desire to bring before the Conference?

MR. BALFOUR (*speaking in English*): Mr. Chairman, Ladies, and Gentlemen:

On Saturday, the 12th of November, exactly 12 weeks ago, the President of the United States, in an eloquent speech with which he inaugurated our meetings, asked us to approach our labors with the full consciousness that we were working in the service of mankind, and that the spirit that should animate us was the spirit of simplicity, honor, and honesty.

Looking back over that 12 weeks, I think we may say, without undue self-esteem, that that advice, so nobly tendered by the head of the State under whose hospitality our meetings have been carried on, has been taken, and that we have had the consciousness that we were working in the service of mankind; that we had the consciousness that if that service was to be of any avail, it must be carried out in the spirit, to use the President's words, of simplicity, honesty, and honor. (*Applause.*)

You have listened at this Plenary Conference to the record of our work; and I can well believe that the mass of treaties, of resolutions, of statements put on record may almost produce in the minds of the auditors a feeling of confusion, as if the mass of work turned out was indeed formidable in quantity, but that there was no underlying idea regulating its character; that it was a mighty mass of which the plan was by no means obvious. I think that those who have been engaged in the work themselves, as well as those who will have an opportunity of calmly considering it as a whole, will see the great results we have attained, as well as the extraordinary mass of detail with which we have had to deal. We have had to travel over the globe and we have dealt both with things most trifling, apparently, and with things of the deepest importance. We have spent much time over discussing a traffic manager of a small railway in the Far East; and connected with that are the great moral questions which under Mr. Root's guidance we have attempted to deal with; and if we have touched upon post offices in China, so also we have traveled over the immense area of the Pacific, and have dealt with questions which touch not merely the Pacific, but the whole interests of all the civilized world. If you would really estimate the magnitude of our accomplishment, and the method by which our results have been achieved, may I ask you to cast your memories back only a few months ago, when a spirit of deep anxiety overshadowed the minds of every man who contemplated the state of public feeling in the great Pacific area. You will remember that at that time, although the world was still bleeding from recent wounds, although every nation was groaning under the pressure of taxation, nevertheless men who profess to have the gift of foresight talked glibly about inevitable naval wars, and when the greatest maritime powers in the world felt that they were almost committed to that fatal rivalry of shipbuilding, which meant not only ruin to the finances of the world, but was a standing menace to its peace. I am not talking about ancient history. I am talking about a state of things which was prevalent within the last 12 months, and indeed up to a time more recent than a year ago.

May we not see in the changed feelings of men that already the work of this Conference has produced beneficent results? Already this feeling of mutual suspicion, of mutual fear, has given way to a spirit of very different character. Confidence has taken the place of mis-

trust. All those who either from the financial or the moral side looked with horror upon this competitive building in armaments now feel that by the labors of this Conference, by the spirit it has shown, by the decisions to which it has come, a new era has really begun over the whole world, but more than anywhere else over that part of the world in which the great maritime powers are most intimately and deeply concerned. (*Applause.*)

Now, if you think for a moment, you will see how closely all the apparently infinitely varied labors that we have undertaken combine to cooperate with those great results that we are happy to proclaim to-day.

The center of our troubles has been the peculiar problems with which the special conditions of China have given rise during the last quarter of a century. Through the whole of that quarter of a century the relations between China and foreign Powers—and still more between foreign Powers themselves in relation to China—have given endless cause of anxiety and preoccupation to statesmen. I do not say that difficulties arising in the Far East are forever at an end. It is impossible to apply to China the simple formulæ which content us when we are dealing with western nations. That great and ancient civilization does not easily fit into our more recent schemes of political thought, and China suffers under sources of weakness which we citizens of western countries do not find it always easy to understand, while she certainly enjoys sources of strength which all of us would be happy to share. But we have to recognize, in the first place, that China must work out her own destiny in accordance with the changes of a changing world; that all we can do is to help her along her path; that she has little to gain from our advice; and that it is upon sources of strength drawn from within herself, and these alone, in the last resort, that she must rely. Nevertheless, the great commercial nations that trade with China have suffered in the relations between themselves owing to the peculiarities of the Chinese problem which I have vaguely indicated, and for these many years past it has been found very difficult to reconcile, not merely the difficulties arising between China and this or that Power, but between all the Powers in their common relations to the great empire of the Far East.

I hope—I do more than hope, I believe—that the greatest step in regularizing those relations has been taken by this Conference, under the leadership of the United States. I firmly believe that though difficulties may arise in the future, people will never have to go further back than the date of this Conference. Here it is that we have endeavored to lay deep and solid the foundations of honest dealings between one another and between ourselves and the Chinese Empire; and if any nation hereafter deliberately separates itself from the collective action that we have taken in Washington in this year

of grace, that nation will not be able to plead ignorance, it will not be able to discuss private arrangements which it may have made with this or that Chinese government. We shall all feel that we belong to the comity of nations in our dealings with China, that China is one of ourselves, and that as we owe her duties, so we owe corresponding duties to every one of those other nations which have commercial or treaty relations with the Far East. (*Applause.*)

If the Far Eastern difficulties were the beginning of the trouble, if it was from them that this brood of suspicions arose, how were the difficulties thus arising to be dealt with? Those difficulties were aggravated by a grouping of naval powers in the Pacific which had indeed a very solid justification in the historic past, although it had no relevance to the existing situation, and the first thing therefore to do was to clear away that which, while it had no present value for any purpose I know of, was nevertheless the cause, rightly or wrongly, of unhappy suspicions and discussions as to what would occur should this or that serious international contingency arise, and these suspicions thus aroused made the most fatal contribution to the destruction of that peace and international amity which is the foundation of all prosperity, either East or West. Those causes of misunderstandings have been removed; and now, under the quadruple arrangement, all the great maritime Powers of the Pacific have entered into a formal and public undertaking which, as far as I can see, must remove all further causes of international offense. That, you will notice, is the second stage of the proceedings. I regard the Chinese problem as the root, as the first stage. I regard the quadruple arrangement as the second stage; and the third stage of this great policy of peace and disarmament is the diminution of fleets and the cessation of rival building between the great maritime Powers. (*Applause.*)

These are all interconnecting; one can not be understood without the other. The effect of one can not be estimated unless the effect of all the others is taken into account. Thus we come to the crown and summit of the great effort that has been made in favor of the diminution of armaments, and with the diminution of armaments a great diminution in the likelihood of their being ever required. It is to the genius and inspiration of those who have directed the policy of the United States in this matter that this stage stands out unique in history, so far as I know (*applause*); unique in history as a great and successful effort to diminish the burdens of peace, and to render more remote the horrors of war. If the United States had not had the courage, the boldness of conception which enabled them to announce on that fateful Saturday, the 12th of November, what their view of disarmament was, all the rest of our labors would have lost

half, and I think much more than half, the value that they now possess. Everything turned upon that first day, everything turned upon the first announcement of their policy. From that moment I had little doubt that we should achieve great results. I remember speaking strongly about this subject on the first opportunity I had. I think it was on the Tuesday following our chairman's speech. I expressed my views on this subject, and every consideration which I have since been able to give to the subject, every result which I have seen flowing from it, has strengthened my conviction that on this everything depended, and that it was the admirable inspiration of this policy which has given to an expectant world all that anybody possibly could hope for, and far more than experienced statesmen ever dared to expect. (*Applause.*)

Let no one think that this abandonment of rivalry in shipbuilding, this diminution of fleets, this scrapping of great weapons of war, carries with it anything in the nature of a diminution of security on the part of any nation. I do not think we need have feared that no matter what supplementary arrangements had been made; but we have been fortunate enough to make a supplementary arrangement that puts the question beyond doubt or cavil. I do not think any clause in any treaty is more happily conceived to deal with the special peculiarities and difficulties of the Pacific situation than that which limits and fixes the places where the great naval Powers are permitted to extend and increase their naval bases. I do not say that is a necessary part of the policy. I do say it is a most happy and fortunate addition to it; that with this clause in the treaty we can say with absolute assurance that this diminution of weapons of war has been accompanied by great augmentation in the sense of national security.

Can anything be more happy? Can anything be more pregnant of good results for the future of the world? Can anything more surely allay those suspicions which make peace intolerable and war probable?

To that great consummation all have contributed; but in particular I can not insist too repeatedly, or with greater earnestness, that it was the inspired moment of November 12 on which all the greatness of this great transaction really depends. Yet I think I must add something more, or I should do but scanty justice to the character and labors of my colleagues. If it is difficult to exaggerate the magnitude of the work that has been accomplished, let me assure you that probably nobody except those who have had intimate personal acquaintance with such matters know how difficult the machinery of an international conference inevitably is. Its difficulties are inevitable for this simple reason, that a conference does not work by majorities. One recalcitrant Power can stop the whole machine. If one Power refuses its assent, the best laid devices for securing the felicity of mankind are

brought to naught. Unanimity is obligatory; and when we remember that there are nine Powers concerned in one set of treaties, and no less than five Powers concerned in another, and that each of them, from the nature of the case, approaches every separate question from the angle of its own country, looks at it first from the point of view of its own national interests, and secondarily sees that the interests of every country here are really bound up with the interests of the whole—when you remember that this is the method under which we work, I think you will agree with me that we could never have attained the results we have, if the statesmen collected around this table had not shown themselves sympathetic, clear of comprehension, unselfish in their views, and anxious above all to see that we should work by common means toward a great and common end.

We have been indeed—thrice blessed—in our chairman (*applause*); but even his skill, his clearness of thought, his invariable courtesy, his unworried patience would have been insufficient to bring us to this happy conclusion of which we shall see the final act on Monday, had he not had for his assistants a body of men who I think have shown themselves possessed of all the highest qualities of statesmanship. If the countries which they represent are fortunate enough in the future to be guided by wisdom like theirs, I almost feel that perhaps the treaty is less necessary than I believe it to be.

Now, ladies and gentlemen, so far I have ventured to speak for myself, and I hope with the approval of the British Delegation. I am now happy to carry out a duty which has been entrusted to me by all my colleagues sitting around this table. I have to express on their behalf our gratitude for the labors which the General Secretariat of this Conference have carried out, for the unwearying zeal and inexhaustible patience and industry, the courtesy, the ability and the good-will which they have brought to their most difficult task. (*Applause.*) Only those who have had an opportunity of seeing the inside working of the machine know how much of its success has depended upon the labors of Mr. Garrett and those who have worked with him. (*Applause.*) I am proud to have been entrusted with the duty of expressing to him and to all his colleagues our high sense of what they have done for us.

One word and one word only more must I say. I think we should all feel that, if we separated without expressing our thanks to Mr. Camerlynck, the translator (*applause*), who has served us so faithfully, we should be accounted among the most ungrateful of mankind. Mr. Camerlynck has an absolute genius for the work he has undertaken. (*Applause.*) I do not know whether to admire most the skill with which he translates English into French or the skill with which he translates, when necessity arises, French into English. I do not know what my French

colleagues think when they hear their speeches translated into the English tongue. I know what I always think when I hear my speeches translated into the French tongue, which is that it is a matter of most agreeable surprise (*laughter*) to think that I have lapsed into such unusual felicity in the effort to express my ideas.

If all my colleagues around this table entertain the same views that I do—and I believe they do—they will thank me for setting myself up as their mouthpiece and giving to our friend, Mr. Camerlynck, our warmest tribute of thanks and admiration. (*Applause.*)

(The foregoing remarks of Mr. Balfour, with the exception of the last two paragraphs, were thereupon rendered in French by the official interpreter.)

MR. SARBAUT (*speaking in French, which was interpreted into English as follows*): Mr. President and gentlemen, it is no longer a time for words, especially after the eloquent speech delivered by our most venerated doyen, Mr. Balfour, when he made his admirable synthesis of the work we have been able to accomplish in this Conference.

Our work is now concluded; and at the moment that our work is now being concluded, we are warned that it is now our duty to leave the scene, because others are now coming in whose part and duty it is to judge us. We cannot rightly, perhaps, appreciate our work in full impartially and independence, because it is too near, and we lack the necessary perspective. We can not really do it. Others will be better able to do it. But, gentlemen, we can—and that is something—do justice to ourselves in our common endeavor; we can state and recognize the good will that has been shown on every side. We know that. We know that behind us and above us here is a supreme authority which is rising to pass final judgment upon our work. The nations which have delegated us to come here are going to study our task and to judge it, in the various forms prescribed by the methods in operation in the various countries. They will say whether or not they are going to validate and confirm our acts. This is the moving hour in which each of us, penetrating to the bottom of his innermost conscience, will await the final verdict of his country, will ask himself whether he did what he ought to have done, and whether he rightly served the cause for which he had come here. I am deeply, sincerely convinced that each of us will be able to return to his country with his heart full of confidence, with his head erect and with an easy mind to face the great conclave of public opinion in his country which is to judge our common work. I believe that everybody here can go and face the opinion of the whole world, of the court of the universe, and put before them the results of our efforts, and our ardent hopes for a better future for mankind. It is for mankind in general that we have worked. It is to mankind that we now offer the tribute of our labors and

our pains, the sincerest, the crowning effort of our labors as a guarantee of peace for the world and of a better future for humanity.

Gentlemen, when the list is drawn up, when the inventory is being taken of what we have done here, I am sure that no sordid thought will enter the mind of any of us to estimate what he may have gained on the one side, or what he may have lost on the other. No one of us will want to measure his advantages by those that may have been gained by his neighbor; and the same may be said of the sacrifices which have been made by us all. Nothing would be more contrary to the spirit of the Conference, because here we have never lost sight of this altruistic, leading idea, of the establishment of the final peace of the world and its safeguarding, and that that must be sought for through the suppression of general causes. The beautiful part of our work is the admirable effort that has been made by the Conference, the day after, one might say, the terrible catastrophe which devastated the whole world—the admirable effort to drive out any causes of conflict, by diminishing the causes and also by decreasing the weapons which might still remain and which might be a temptation to resort to force. What is great and noble here is the example which has been set by the great countries here represented to other countries; and when these treaties are signed, they will be an example to other countries to settle their differences and disputes amicably, in an amicable spirit, and not to drain their resources in order to arm, but to seek elsewhere for the expenditure of the fruits of their prosperity.

Such is the task we have accomplished, and we may well be proud to have cooperated in it. It is in the example set by the Conference at Washington that resides the loftiest lesson we can give to mankind. We are entitled to hope that other nations will imitate what has been done here and that on parallel lines to that followed by the League of Nations Washington has here struck upon a path on which all nations will be able to enter for the greater happiness of the whole world.

You must remember, gentlemen, that our treaties and conventions will never give beneficent results unless all the countries ultimately fix their signatures to these agreements and these additions are as sincere and earnest as our adherence to these principles has been. This will be all the more so as the United States will understand that the results reached here are more respectful of the integrity and independence of other countries, whether great or small. So that the journey we have undertaken here will not have been made in vain and our most ardent wishes will have been fulfilled.

On the eve of leaving these hospitable shores we feel a pang of heart as when separating from our best friends. This adds to the profound emotion with which the dele-



Do you desire to discuss the matter? Are you ready to act?

The United States of America assents.  
Belgium?

BARON DE CARTIER: Assents.

THE CHAIRMAN: The British Empire?

MR. BALFOUR: Assents.

THE CHAIRMAN: China?

MR. SZE: Assents.

THE CHAIRMAN: France?

MR. SARRAUT: Assents.

THE CHAIRMAN: Italy?

SENATOR SCHANZER: Assents.

THE CHAIRMAN: Japan?

ADMIRAL BARON KATO: Assents.

THE CHAIRMAN: The Netherlands?

JONKHEER BEELAERTS VAN BLOKLAND: Assents.

THE CHAIRMAN: Portugal?

VISCOUNT D'ALTE: Assents.

THE CHAIRMAN: Unanimously adopted.

THE CHAIRMAN (*speaking in English*): That concludes the report with respect to the Committee on Pacific and Far Eastern Questions.

For the Committee on Limitation of Armament, I have the honor to report that a resolution has been adopted providing for a commission to examine the rules made necessary by recent experience with respect to the new agencies of warfare. I will ask Mr. Root to present the resolution. (*Applause.*)

MR. ROOT (*speaking in English*): Mr. Chairman, at a recent meeting of the Committee on Naval Affairs the following resolution was adopted:

"The United States of America, the British Empire, France, Italy, and Japan have agreed:

"I. That a commission composed of not more than two members representing each of the above-mentioned Powers shall be constituted to consider the following questions:

"(a) Do existing rules of international law adequately cover new methods of attack or defense resulting from the introduction or development, since the Hague Conference of 1907, of new agencies of warfare?

"(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

"II. That notices of appointment of the members of the commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present Conference, which, after consultation with the Powers concerned, will fix the day and place for the meeting of the commission.

"III. That the commission shall be at liberty to request assistance and advice from experts in international law and in land, naval, and aerial warfare.

Italy, with her 40,000,000 inhabitants, has already reduced her army from 5,000,000 men, which was its strength during the war, to only 200,000 men. (*Applause.*) Italy has introduced a great many new and very heavy taxes in order to balance her budget. Our total taxation is to-day six times what it was before the war. Our income tax is to-day nine times what it was in 1914.

The deficit of the Italian budget, which was 43,000,000,000 lire in the financial year immediately following the war, gradually decreased to only 3,000,000,000 lire, and there is reasonable hope that in the next financial year it will be completely eliminated.

If, in spite of this, the value of our money is still greatly depreciated, this is not only due to conditions in Italy, but to a great extent to the conditions of Europe in general. Therefore, it is a question of vital importance for us, as it is for all, that the settlement of economic conditions in Europe should take place. We must not continue to turn in this vicious circle of the impossibility of reducing armaments because certain economic questions are not settled. On the other hand, the economic questions in Europe can not be settled because it is impossible to reduce armaments. (*Applause.*) It is necessary to break this vicious circle, and this can not be accomplished without the joint cooperation and the goodwill of all nations.

It is necessary to promote, as we have done in this Conference, a spirit of peace and solidarity among nations. We all agree that the problem of limitation of armaments is not only a technical military one. It is also, above all, a moral problem. It would be useless to obtain a material reduction of armaments if the profound and intimate causes of conflict and dissent between nations should remain.

Therefore let us continue on the path we have followed in this Conference. Let us devote all our efforts to dissipating such causes and to bring about an atmosphere of friendly coexistence and reciprocal tolerance, failing which enduring peace is impossible.

What matters most of all is that the spirit of wisdom, of peace, and of cooperation which inspired this Conference should continue to live and to remain the directing spirit of future international enterprises.

We fondly hope that the great people of the United States will not renounce the glory of continuing to give their powerful and necessary contribution to the noble effort of humanity toward the achievement of always higher ideals and destiny.

To conclude, allow me to express our most cordial thanks to His Excellency the President of the United States, to the honorable Chairman of this assembly, the eminent statesman who has directed our debates with insuperable ability, authority, and patience; to the whole

American Nation for the kind welcome and courtesies which the Italian Delegation has found in this country.

The harmony of political, spiritual, and moral tendencies and the aspirations of our country and of your own for which we have the sincerest feeling of profound friendship and admiration, have received here new and solemn confirmation. It will consolidate, I hope, always more strongly the ties which link our two countries together, to the benefit of both nations, and in the interest of the restoration of peace and prosperity in the world. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Baron Shidehara.

BARON SHIDEHARA (*speaking in English*): Mr. Chairman, we have listened with great emotion to the report made by the chairman upon the final outcome of the labors of the Committee on Pacific and Far Eastern Questions, and of the committee relating to naval matters. The task imposed upon those committees has, by no means, been easy or simple. Unanimity of views could hardly be expected on all questions submitted for consideration, but, after numerous sessions, one broad fact has been brought markedly to the fore. It has been found that all differences of opinion which have divided those committees relate not so much to the ultimate purposes, the great aims of the nations represented here, as to the means by which such purposes are to be attained.

It has been found that we are all striving for the same goal of life, and that goal is now perceptibly within sight.

Take, for instance, the Chinese problem, which, it was often asserted, would one day lead to world-wide conflagration. What has the Conference revealed? No sooner had Mr. Root formulated and presented the four great rules of international conduct with regard to China than those proposals met a ready, spontaneous, and whole-hearted approval on all sides. They laid the foundation of the work of the delegations and of friendly understandings among nations.

No one denies to China her sacred right to govern herself. No one stands in the way of China working out her own great national destiny. No one has come to the Conference with any plan of seeking anything at the expense of China. On the contrary, every participating nation has shown readiness at all times to help China out of her present difficulties.

Japan believes that she has made to China every possible concession compatible with a sense of reason, fairness, and honor. She does not regret it. She rejoices in the thought that the sacrifice which she has offered will not be in vain, in the greater cause of international friendship and goodwill.

We are vitally interested in a speedy establishment of peace and unity in China and in the economic development of her vast natural resources. It is, indeed, to the

Asiatic mainland that we must look primarily for raw materials and for the markets where our manufactured articles may be sold. Neither raw materials nor the markets can be had, unless order, happiness and prosperity reign in China, under good and stable government. With hundreds of thousands of our nationals resident in China, with enormous amounts of our capital invested there, and with our own national existence largely dependent on that of our neighbor, we are naturally interested in that country to a greater extent than any of the countries remotely situated.

To say that Japan has special interests in China is simply to state a plain and actual fact. It intimates no claim or pretension of any kind prejudicial to China or to any other foreign nation.

Nor are we actuated by any intention of securing preferential or exclusive economic rights in China. Why should we need them? Why should we be afraid of foreign competition in the Chinese market provided it is conducted squarely and honestly? Favored by geographical position, and having fair knowledge of the actual requirements of the Chinese people, our traders and business men can well take care of themselves in their commercial, industrial, and financial activities in China without any preferential or exclusive rights.

We do not seek any territory in China, but we do seek a field of economic activity beneficial as much to China as to Japan, based always on the principle of the open door and equal opportunity.

We came to Washington with full confidence in the future of international relations. We are now departing with reassured confidence. We knew that the Conference would do good, and it has done good. Competition in naval armament, ruinous to national welfare and harmful to international peace, is now a matter of the past. The relief from tension is provided by the agreements reached by the Conference for the limitation of naval armament, for the suppression of the brutal practices of warfare, and for the definition of a policy on matters relating to China. The Conference has also given occasion to the Powers directly interested to conclude the Pacific Treaty and to adjust the difficult question of the Pacific mandates and the still more difficult question of Shantung.

In arriving at this happy result, we are under everlasting debt to the President of the United States, at whose gracious initiative the Conference was convoked. We feel no less grateful to our trusted Chairman, to whose able leadership the success of our work is largely due. Permit me further to express on behalf of the Japanese Delegation our sincere appreciation of the unflinching spirit of generosity, of conciliation, and of ready cooperation shown by all of our colleagues and friends around this table.

Freed from suspicion by frankness, assured of peace by good will, we may devoutly give thanks for the opportunity given by the Washington Conference, which, we believe, ushers into a troubled world a new spirit of international friendship and good understanding.

THE CHAIRMAN (*speaking in English*): Baron de Cartier.

BARON DE CARTIER (*speaking in French, his remarks being interpreted into English as follows*):

Mr. Chairman, Ladies, and Gentlemen:

At this time, when the Washington Conference is drawing to its close, I would not have fulfilled my duty if I did not, in the name of Belgium, whose representative I have the honor to be, express my sincere homage for the work accomplished by this assembly.

In presenting to the President of the Republic of the United States the assurance of her admiration and gratitude, Belgium echoes with all her heart the words that have been uttered here. She would be unworthy of her past and of the sacrifice that she has willingly made for the cause of humanity if she did not make her voice heard in recognition of the importance and of the beneficial results of the noble and generous action taken by the head of the American Government.

It is with a feeling of profound satisfaction that we mark the unanimous agreement that has been reached on the questions of China and the Far East; a region to which we are bound by so many ties, material and moral. We have been happy to have a share in the consummation of the arrangements that have been made with the object of aiding China in the complete development of her political and economic existence.

Belgium, who throughout her history has suffered such deep and grievous wounds from international disputes, hails with joy the various resolutions which have been adopted by this Conference to diminish in the future the ravages and the horrors of war.

The result of the labors of this Conference will remain an everlasting historical monument and history will tell with what zeal, what ardor, and what devotion the Secretary of State, who has been our president, has placed his energy and knowledge at the service of the great ideal which was his inspiration. Belgium thanks you, Mr. Hughes, for having contributed, through the guidance of our debates and by the bringing together of your colleagues in a spirit of good will, to secure the triumph of those principles of justice for which no country has a deeper attachment than my own, and to establish the solid foundations of an age of peace and international cooperation for which the Belgian people long with all its strength.

THE CHAIRMAN (*speaking in English*): Mr. Sze. (*Applause.*)

**MR. SZE** (*speaking in English*): Mr. Chairman and Gentlemen:

Mr. Balfour has most eloquently expressed for us our high esteem and praise for our distinguished Chairman, our appreciation of the kind hospitality of the American nation and the most efficient services, ably rendered by Mr. Garrett and the secretariat under him, and last, but not least, the most admirable help that Mr. Camerlynck gave to the labors of the Conference. It only remains for me to associate myself and the colleagues of the Chinese Delegation with all the words of appreciation said by my right honorable friends.

I may, however, be permitted to add a word of thanks and of congratulation on behalf of the Chinese Delegation.

On the eve of the close of this Conference, the Chinese Delegation desires to congratulate you, Mr. Chairman, and through you the President and the Government of the United States on the splendid success which crowns its labors. This great event has brought about great results, and its influence is bound to grow more and more with time. Not only have the dangers of war been removed to a considerable extent, by calling a halt in the race of naval armament, but the prospect of peace has been enhanced through the settlement of several important questions which were at one time powerful factors of international misunderstanding. The Chinese Delegation has implicit confidence in the principles adopted by this Conference, which China will not fail to invoke to guard against any renewed claim to special interests in China on the part of any nation.

Speaking more particularly of the questions which are of direct concern to my country, the Chinese Delegation has been greatly impressed with the spirit of sympathy which animated their discussions. The frank and cordial exchange of views which accompanied this discussion has served very usefully to clarify the cloudy atmosphere that used to envelop the situation in the Far East. Much that it has seemed possible to accomplish at the present has been accomplished, and I feel certain that it will have a great influence on the future development of China. The settlement of the Shantung question alone, thanks to the friendly offices of you, Mr. Chairman, and Mr. Balfour, is an achievement greatly conducive to the course of concord and good understanding between nations.

While certain questions will have to be settled in the future, the Chinese Delegation wishes to express its satisfaction with the results of this Conference and its appreciation of the sympathetic cooperation with China of all the other Delegations, and to extend its hearty felicitations to the Government and the people of the United States for the great achievements which have been attained by this epoch-making gathering of nations.

I wish also to take this opportunity to express the appreciation of the Chinese Delegation for the manifold manifestations of sympathy and friendship shown towards China by the people of the United States in all parts of this great country. We have been profoundly touched by these manifestations, for which we shall always remain grateful. (*Applause.*)

JONKHEER BEELAERTS VAN BLOKLAND (*speaking in English*): Mr. Chairman, the solemn moment that the work of this Conference has come to an end affords me the great privilege of expressing on behalf of the Netherlands Delegation the sincere satisfaction with which it reviews the results achieved under your most able guidance.

Clouds hanging over the Pacific Ocean have been dispelled. Difficulties have been straightened out. Problems have found a just and fair solution. Causes of apprehension have been removed and as a result confidence between the nations has been restored. Conditions of international relationship have been created under which all our efforts can continue to be devoted to the peaceful development of our colonial empire in the interest and for the welfare of its population.

We rejoice in acknowledging our part in the world's debt of gratitude to America. That gratitude is due in the first place to the most noble initiative of the President of the United States. We owe it no less to you, Mr. Secretary, who have been our presiding genius and whose fair and straightforward statesmanship had so great a suggestive strength. We owe it also to our indefatigable and high-minded colleagues Senators Lodge, Root, and Underwood, who have been the distinguished leaders of our subcommittees.

Mr. Chairman, Ladies, and Gentlemen, our thanks are not limited to Government and official circles. I can not help thinking that the great results accomplished by this Conference may be ascribed for not a small part to the highly sympathetic atmosphere in which we have been invited to do our work.

From the very beginning we have been favored by the most cordial hospitality. We could not fail to undergo the influence of the spirit of cordiality which appears to be an innate gift of the inhabitants of the city of Washington. It is not the least during the recent days of Washington's sorrow that we felt how much we have grown together with this generous city.

And now, within a few days, we shall have to separate. It will not be without regret, and I feel sure that each of us will take to his home, together with the consciousness of great ends attained, the most gratifying recollection of American hospitality. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Viscount d'Alte.

VISCOUNT D'ALTE (*speaking in English*): Mr. Chairman, Ladies, and Gentlemen:

As the first among the nations of the West to establish, nearly four hundred years ago, continuous relations with China, Portugal has always participated with keen interest in the efforts made to bring the most ancient of existing civilizations into closer touch with the western nations.

The measures taken at the Conference will, I am sure, contribute powerfully to bring about that result, and to permit the emergence of a united, strong, and prosperous China prepared to take the part in the general development that the high attainments of her people confidently lead us to expect that she will eventually take. (*Applause.*)

In every word of the resolutions adopted is written the earnest desire of all the powers participating at the Conference that this may be the outcome of our labors.

Gentlemen, we owe to America much besides the generous hospitality that she has extended to our Conference. We owe to her the inspiration that has made it what it is. This Conference has been to a far greater extent than any other that I can recall, a conference of renunciation. We have here seen great nations abandon long-established and deeply cherished national policies and renounce advantages once thought essential to the welfare of their people, and this not for value received, but simply out of a decent respect to the opinions of mankind.

In this connection, the supreme achievement of the Conference, the Treaty on the Limitation of Armaments, presents itself to our minds, and also the generous part taken in the begetting of that treaty by Portugal's ancient ally, the British Empire. In this treaty England has of her own free will relinquished the command of the seas that she held undisputed for over a hundred years, although she is dependent, as no other nation in the world is dependent, on the safety of her communications by sea, for her very existence. When England thought that the welfare of the world was in the balance she did not stop to calculate to a nicety, as others perhaps would have done, what dangers might under the new conditions threaten her life as a nation.

To what is due, gentlemen, this distinctive character of the Conference of Washington? It is due to the presence at our deliberations of two members of the Conference, who, though invisible, were not silent, for they spoke directly to our minds and hearts, and had a decisive influence in shaping our decisions. I refer to that epic of human generosity that is the story of American Relief, and to the shining example of the nation which, after being the deciding factor in the greatest war the world has ever known, retired from the struggle with empty hands, with not one advantage to show for the tremendous sacrifices she had made. For that great na-



tion those hateful words, "The fruits of victory," have no meaning.

In the presence of these august shadows we could not revert entirely to the policies of the past.

Gentlemen, as it is my privilege to speak the closing words of this Conference of high achievement, on behalf of those invited to attend it, I will try to express what I believe is at the present time in the minds of us all, that is that America justifies her leadership of the world. (*Applause.*)

THE CHAIRMAN (*speaking in English*): Words so eloquent, comprehensive, felicitous, have been spoken in reviewing the work of the Conference that it would be superfluous to make any additional statement. The measure of success we have attained, I think, is due to two things. In the first place, we had a definite and limited aim. We have not occupied ourselves in endeavoring to elucidate the obvious, but rather we have set ourselves determinedly to the removal of causes of controversy and to the reduction of armament so far as that was possible of attainment. We have been successful because we have not contented ourselves with the expression of pious hopes, but rather have devoted ourselves to the realization of the hopes which for a generation have been entertained.

In the next place, we have had what each of the Delegations who has spoken has emphasized—the spirit of generous cooperation. When we gathered all promised cooperation, and that promise has been faithfully kept. (*Applause.*)

Allusion has been made to the difficult machinery of an international conference and the limitation necessarily imposed by the rule which requires unanimity of action. That rule, of course, has carried with it the consequence that when it became evident that any proposal would meet with resistance, it was impossible to carry the proposal forward. As I remarked the other day in committee, thinking of an early judicial experience, this is the sort of a body or tribunal in which the dissenting opinion is the prevailing opinion. But I am happy to add that in the work of this Conference there have been no unnecessary difficulties caused by any controversy over rules of procedure. You have been very generous in these statements that have been made regarding the part which I have had the privilege of taking in connection with the deliberations of the delegates in committee and in plenary sessions. I could not make any adequate response to such generous comments, but I do wish on my own part to say that there never has been a time when any Delegate has raised with the chairman a question regarding procedure but it has been always apparent that all the Delegates were desirous that in the most direct

manner we should get at the heart of our problems and that no parliamentary obstacles should be interposed in any national interest. (*Applause.*)

It is because of this spirit of cooperation that we have been able so fully to agree. No one in an international conference is expected to renounce a well-conceived national interest. It would be futile to make a suggestion of such a renunciation. What we have sought is an appreciation of the highest national interest in efforts making for peace and the removal of unnecessary causes of controversy. (*Applause.*)

It is because, despite particular interests, this higher and controlling interest has been so well defined that we have been able in so large a degree to secure the unanimity of action which is recorded in the resolutions and the treaties which have been approved.

If you will permit a personal word, I should like to add that this association with my colleagues in this Conference has been the happiest in my life, and while I am glad that there is an end to the labors of the Conference, I greatly regret that I shall no longer have the privilege of the daily and intimate contacts which the Conference has afforded. (*Applause.*)

And now I take great pleasure, on behalf of all the Delegates, without any formal motion, in expressing our thanks to those who have attended and aided our efforts.

Permit me, in the first place, to refer to the numerous company of advisers and technical assistants, whose days and nights of anxious toil have made it possible for the Delegations to be furnished with complete and accurate information on all the subjects that have engaged our attention. (*Applause.*) These are the silent, perhaps unobserved, participants in our labors, to whom we should not fail to give full credit.

Again, we have been accompanied by an innumerable crowd of witnesses. They have come from all parts of the world. They have spread broadcast in all lands information with respect to our proceedings. We are indebted in a special manner to the foreign correspondents who have honored us with their attendance, and through their efforts, I suppose, there has been a better understanding in other lands of conditions and events in this land than ever before; and I should not omit those industrious, zealous, and patriotic American correspondents whom we have with us always [*laughter*] and whose labors to make thoroughly understood both the perfection and the imperfection of our efforts have always been under our observation. But I believe that we have been greatly aided by this company of men who have had unusual experience and have been selected for their tasks because of their extraordinary experience, and through whom the work that has been accomplished here is now known of all men, and to whom we are indebted for that public opinion aroused in all nations which supports our

work and which will translate these words and sentences and formulas into action, conduct promoting peace.

On behalf of the American Delegation, I wish to express our sense of indebtedness to the advisory committee appointed by the President, who have been constantly associated with us in the work of the delegation and whose careful monographs and studies upon the various problems which have engaged our attention, have so greatly contributed to our understanding of public opinion in this country, and our better appreciation of the factors in the problems under consideration. The advisory committee has had a place in the work of this Conference which I am sure will never be forgotten.

And, finally, let me on your behalf thank the governing board of the Pan American Union, and Dr. Rowe, the Director of the Pan American Union, for putting at our disposal the convenient rooms in which the deliberations of our committees have been held.

I am sure that all Latin America rejoices in this effective participation in the work of the Conference, in which indeed we should have been glad if representatives of Latin American countries could have taken part directly. Our work had this limited sphere to which I have referred; but meeting in that beautiful building we have been constantly reminded of those who in the governing board of this Pan American organization are constantly working in this hemisphere to maintain the peace which we desire to have secured throughout the world. (*Applause.*)

And now our grateful thanks to the Daughters of the American Revolution (*applause*), particularly to Mrs. Minor, the president-general, and Mrs. Hanger, the secretary-general, for permitting us to meet in this commodious building where we are the guests of this important patriotic organization.

This building has many memories, but I trust in the opinion of the Daughters of the American Revolution it is now invested with a special sanctity and with a most precious memory, because here the spirit of democracy which they desire to see supreme has been evidenced in our collaboration together as representatives of great peoples, in order that we may have in place of a worse than fruitless competition a generous cooperation expressive not of the sinister ambitions of despotic governments but of the true spirit of the peoples represented in these democratic governments, and it is that spirit which we, as representatives, have sought here to evince, because whatever governments want the peoples of the earth want—justice, peace, and security. (*Applause.*)

The Conference will now stand adjourned until Monday morning at 10 o'clock. The only proceedings on Monday will be the signing of the treaties which have been approved, and the closing address by the President of the United States.

(Thereupon, at 12.35 p. m., the Conference adjourned.)

## SEVENTH PLENARY SESSION.

(Uncorrected text.)

WASHINGTON, FEBRUARY 6, 1922.

The seventh plenary session of the Conference on the Limitation of Armament, in connection with which Pacific and Far Eastern Questions will also be discussed, was held at Washington on Monday, February 6, 1922, at 10.10 a. m., in Memorial Continental Hall. The Chairman, Hon. Charles Evans Hughes, Secretary of State of the United States of America, presided.

THE CHAIRMAN (*speaking in English*): The minutes for the sixth plenary session, held on February 4, have been distributed and corrected, and unless there is objection the minutes will stand approved.

I am happy to announce that the treaty between China and Japan relating to Shantung was signed on Saturday. (*Applause.*)

The treaties which have been approved by the Conference will now be signed. The delegations will sign in alphabetical order:

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal.

It is requested that each of the delegations sign in its turn all the treaties to which they are respectively signatory. The American delegation will now sign.

The following five treaties were then signed by the respective delegations:

Annex to the Four-Power Treaty defining the term "insular possessions and insular dominions";

Naval Treaty;

Treaty relative to Submarines and Poisonous Gases;

Nine-Power Treaty;

Chinese Revenue Treaty.

### ADDRESS OF THE PRESIDENT OF THE UNITED STATES.

PRESIDENT HARDING (*speaking in English*): Mr. Chairman and members of the Conference:

Nearly three months ago it was my privilege to utter to you sincerest words of welcome to the Capital of our Republic, to suggest the spirit in which you were invited, and to intimate the atmosphere in which you were asked to confer. In a very general way, perhaps, I ventured

to express a hope for the things toward which our aspirations led us.

To-day it is my greater privilege, and an even greater pleasure, to come to make acknowledgment. (*Applause.*) It is one of the supreme satisfactions and compensations of life to contemplate a worth-while accomplishment. (*Applause.*)

It can not be other than seemly for me, as the only Chief of Government so circumstanced as to be able to address the Conference, to speak congratulations, and to offer the thanks of our Nation and our people; perhaps I dare volunteer to utter them for the world. (*Applause.*) My own gratification is beyond my capacity to express. (*Applause.*)

This Conference has wrought a truly great achievement. It is hazardous sometimes to speak in superlatives, and I will be restrained. But I will say, with every confidence, that the faith plighted here to-day, kept in national honor, will mark the beginning of a new and better epoch in human affairs. (*Applause.*)

Stripped to the simplest fact, what is the spectacle which has inspired a new hope for the world? Gathered about this table nine great nations of the earth—not all, to be sure, but those most directly concerned with the problems at hand—have met and have conferred on questions of great import and common concern, on problems menacing their peaceful relationship, on burdens threatening a common peril. In the revealing light of the public opinion of the world, without surrender of sovereignty, without impaired nationality or affronted national pride, a solution has been found in unanimity, and to-day's adjournment is marked by rejoicing in the things accomplished. (*Applause.*) If the world has hungered for a new assurance, it may feast at the banquet which this Conference has spread.

I am sure the people of the United States are supremely gratified, and yet there is scant appreciation how marvelously you have wrought. When the days were dragging and agreements were delayed, when there were obstacles within and hindrances without, few stopped to realize that here was a Conference of sovereign powers where only unanimous agreement could be made the rule. Majorities could not decide without impinging on national rights. There were no victors to command, no vanquished to yield. All had voluntarily to agree in translating the conscience of our civilization and give concrete expression to world opinion.

And you have agreed in spite of all difficulties, and the agreements are proclaimed to the world. No new standards of national honor have been sought, but the indictments of national dishonor have been drawn, and the world is ready to proclaim the odiousness of perfidy or infamy. (*Applause.*)

It is not pretended that the pursuit of peace and the limitation of armament are new conceits, or that the Conference is a new conception either in settlement of war or in writing the conscience of international relationship. Indeed, it is not new to have met in the realization of war's supreme penalties. The Hague conventions are examples of the one, the conferences of Vienna, of Berlin, of Versailles are outstanding instances of the other.

The Hague conventions were defeated by the antagonism of one strong power whose indisposition to cooperate and sustain led it to one of the supreme tragedies which have come to national eminence. Vienna and Berlin sought peace founded on the injustices of war and sowed the seeds of future conflict, and hatred was armed where confidence was stifled.

It is fair to say that human progress, the grown intimacy of international relationship, developed communication and transportation, attended by a directing world opinion, have set the stage more favorably here. You have met in that calm deliberation and that determined resolution which have made a just peace, in righteous relationship, its own best guaranty.

It has been the fortune of this Conference to sit in a day far enough removed from war's bitterness, yet near enough to war's horrors, to gain the benefit of both the hatred of war and the yearning for peace. Too often, heretofore, the decades following such gatherings have been marked by the difficult undoing of their decisions. But your achievement is supreme because no seed of conflict has been sown; no reaction in regret or resentment ever can justify resort to arms. (*Applause.*)

It little matters what we appraise as the outstanding accomplishment. Any one of them alone would have justified this Conference. (*Applause.*) But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.

You, gentlemen of the Conference, have written the first deliberate and effective expression of great powers, in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. (*Applause.*) You have halted folly and lifted burdens, and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a world war is to end the strife in preparation for more of it, and turn human energies to the constructiveness of peace.

Not all the world is yet tranquilized. But here is the example, to imbue with new hope all who dwell in apprehension. At this table came understanding, and understanding brands armed conflict as abominable in the eyes of an enlightened civilization. (*Applause.*)

I once believed in armed preparedness. I advocated it. But I have come now to believe there is a better prepared-

ness in a public mind and a world opinion made ready to grant justice precisely as it exacts it. And justice is better served in conferences of peace than in conflicts at arms.

How simple it all has been. When you met here twelve weeks ago there was not a commitment, not an obligation except that which each delegation owed to the Government commissioning it. But human service was calling, world conscience was impelling, and world opinion directing.

No intrigue, no offensive or defensive alliances, no involvements have wrought your agreements, but reasoning with each other to common understanding has made new relationships among Governments and peoples, new securities for peace, and new opportunities for achievement and its attending happiness.

Here have been established the contacts of reason, here have come the inevitable understandings of face-to-face exchanges when passion does not inflame. (*Applause.*) The very atmosphere shamed national selfishness into retreat. Viewpoints were exchanged, differences composed, and you came to understand how common, after all, are human aspirations; how alike, indeed, and how easily reconcilable, are our national aspirations; how sane and simple and satisfying to seek the relationships of peace and security.

When you first met I told you of our America's thought to seek less of armament and none of war; that we sought nothing which is another's, that we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in the accomplishment.

It may be that the naval holiday here contracted will expire with the treaties, but I do not believe it. (*Applause.*) Those of us who live another decade are more likely to witness a growth of public opinion, strengthened by the new experience, which will make nations more concerned with living to the fulfillment of God's high intent than with agencies of warfare and destruction. Since this Conference of Nations has pointed with unanimity to the way of peace to-day, like conferences in the future, under appropriate conditions and with aims both well conceived and definite, may illumine the highways and byways of human activity. The torches of understanding have been lighted, and they ought to glow and encircle the globe.

Again, gentlemen of the Conference, congratulations and the gratitude of the United States. To Belgium, to the British Empire, to China, to France, to Italy, to Japan, to The Netherlands, and to Portugal—I can wish no more than the same feeling, which we experience, of honorable and honored contribution to happy human advancement, and a new sense of security in the righteous pursuits of peace and all attending good fortune.

From our own delegates I have known from time to time of your activities, and of the spirit of conciliation and adjustment, and the cheering readiness of all of you to strive for that unanimity so essential to accomplishment. Without it there would have been failure; with it you have heartened the world.

I know our guests will pardon me while I make grateful acknowledgment to the American delegation—to you, Mr. Secretary Hughes (*applause*); to you, Senator Lodge (*applause*); to you, Senator Underwood (*applause*); to you, Mr. Root (*applause*); to all of you for your able and splendid and highly purposed and untiring endeavors in behalf of our Government and our people and the great cause (*applause*); and to our excellent Advisory Committee which gave to you so dependable a reflex of that American public opinion which charts the course of this Republic. (*Applause.*)

It is all so fine, so gratifying, so reassuring, so full of promise, that above the murmurings of a world sorrow not yet silenced; above the groans which come of excessive burdens not yet lifted but soon to be lightened; above the discouragements of a world yet struggling to find itself after surpassing upheaval, there is the note of rejoicing which is not alone ours or yours, or of all of us, but comes from the hearts of men of all the world. (*Prolonged applause.*)

#### DR. ABERNATHY'S PRAYER.

Our Father, holy and just and wondrously gracious art Thou. We bow before Thee this day in grateful acknowledgment of Thy mercies so freely bestowed. We have come to the day when the labors of many weary weeks are ended. Problems vital to human happiness and progress have been considered and decisions reached. Overrule, we pray Thee, any mistakes that may have been made. Bring to a successful conclusion the good that has been begun. Inspire us to labor unceasingly, each in his own place, that the era of permanent peace and brotherly love and good will may come. May hate and suspicion and strife, enemies of human progress, be supplanted by confidence in each other and unselfish service. May there be in the heart of every man and every nation the determination to bring in this era of good will. Hasten the day, we pray Thee, when the will of God shall be done among men even as it is done in heaven. Then shall the whole earth be filled with Thy glory.

We offer this prayer humbly and in the name of Jesus. Amen.

THE CHAIRMAN (*speaking in English*): The Conference is adjourned sine die.

(Thereupon, at 11.15 o'clock a. m., on Monday, February 6, 1922, the Conference adjourned.)





## MINUTES OF COMMITTEE ON LIMITATION OF ARMAMENT.

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**FIRST MEETING—TUESDAY, NOVEMBER 15, 1921, 4 P. M.**

### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. J. Butler Wright.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Mr. Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey.

*France.*—Mr. Briand, Mr. Sarraut. Accompanied by Mr. Massigli.

*Italy.*—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Baron Shidehara. Accompanied by Capt. Yamanshi, Mr. Ichihashi.

The secretary general.

Interpreter, Mr. Camerlynck.

1. The first meeting of the Committee on Limitation of Armament met in the Hall of the Americas at the Pan American Building at 4 p. m., Tuesday, November 15, 1921.

2. There were present for the United States, Mr. Hughes, Senator Lodge, Mr. Root, and Senator Underwood; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), and Mr. Sastri (for India); for France, Mr. Briand and Mr. Sarraut (MM. Viviani and Jusserand being absent); for Italy, Senator Schanzer, Senator Rolandi Ricci, and Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, and Baron Shidehara. The secretary general and Mr. Camerlynck, as interpreter, were also present.

### SECRETARIES.

3. It was resolved that all secretaries and experts should temporarily withdraw, with the exception of one secretary for each delegation. Accordingly the following secretaries remained: Messrs. Wright, for the United States; Hankey, for the British Empire; Massigli, for France; Marquis Visconti-Venosta, for Italy; and Capt. Yamanashi, for Japan (accompanied by Mr. Ichihashi, interpreter for Admiral Baron Kato).

## SECRETARY TO THE COMMITTEE.

4. The secretary general of the conference was appointed secretary to the committee with the understanding that he would be allowed one assistant.

## RECORD OF PROCEEDINGS.

5. It was agreed that no verbatim stenographic report of the proceedings of the committee should be kept, but that each secretary of a delegation should coordinate with the secretary general for the compilation of a collective and mutually satisfactory process-verbal.

## METHODS OF PROCEDURE FOR DEALING WITH AMERICAN DELEGATION'S PROPOSALS.

6. The committee then proceeded to the discussion of the method to be followed in conducting the study of the proposals advanced by the American delegation with respect to naval disarmament and the other suggestions advanced during the discussion of the subject at the second plenary meeting of the conference. The suggestion of the chairman, Mr. Hughes, was adopted that the reference of questions to expert subcommittees should be only for the purpose of supplying information, settling questions of fact, and obtaining their advice and recommendation, the committee in no way thereby delegating its authority or binding itself to adopt such reports or advice.

## TECHNICAL SUBCOMMITTEE CONSTITUTED.

7. The committee further agreed that there be constituted an expert subcommittee consisting of one technical expert designated by each delegation, who should enjoy the right at meetings of the subcommittee of the advice and services of such other technical advisers as each member of the subcommittee might desire, and (2) that one technical adviser for each delegation, in addition to the secretary of such delegation, should be present at each meeting of the committee with respect to limitation of naval armament.

The following naval advisers were nominated and appointed: Col. Theodore Roosevelt, Assistant Secretary of the Navy, for the United States; Admiral of the Fleet Beatty, for the British Empire; Admiral de Bon, for France; Admiral Acton, for Italy; Admiral Baron Kato, for Japan; with full power of substitution and revocation in each case. At the suggestion of Mr. Balfour, Col. Roosevelt was appointed chairman of this technical subcommittee. The committee determined that the technical subcommittee should convene at once to consider the proposals advanced by the American delegation with respect to naval disarmament and the other suggestions advanced during the discussion of the subject at the second plenary meeting of the conference, the subcommittee to report as soon as possible to the committee considering the questions upon which it might find itself in agreement.

## FUTURE MEETINGS OF THE COMMITTEE.

8. The chairman expressed the desire that any member of the committee who might consider that a meeting of the committee would be opportune should communicate immediately with him.

## PUBLICITY OF WORK OF SUBCOMMITTEE.

9. The committee, in supporting the suggestion of Mr. Briand that the expert subcommittee should submit at the earliest possible moment their recommendations on questions on which agreement could easily be reached, resolved that the expert subcommittee should be notified that it is the instrument of the committee alone and that publicity with regard to any of the subjects under discussion should therefore be given solely through the medium of the committee.

The committee then adjourned subject to the call of the chair.

## SECOND MEETING—WEDNESDAY, NOVEMBER 23, 11 A. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. Butler Wright.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice P. Hankey, Gen. Lord Cavan.

*France.*—Mr. Briand, Mr. Viviani, Mr. Jusserand. Accompanied by Mr. Massigli.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Prince Tokugawa. Accompanied by Maj. Gen. Tanaka, Mr. Saburi, Mr. Ichihashi.

The secretary general. Accompanied by Mr. W. P. Cresson.

Interpreter, Mr. Camerlynck.

The Committee on the Limitation of Armaments held its second meeting in the Columbus Room, Pan-American Union Building, at 11 a. m., Wednesday, November 23, 1921.

There were present: For the United State, Mr. Hughes, Senator Lodge, Mr. Root, accompanied by Mr. Butler Wright; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India), accompanied by Sir Maurice P. Hankey, Gen. Lord Cavan; for France, Mr. Briand, Mr. Viviani, Mr. Jusserand, accompanied by Mr. Massigli; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, accompanied by Marquis Visconti-Venosta, Count Pagliano; for Japan, Admiral Baron Kato, Prince Tokugawa, accompanied by Mr. Gen. Tanaka, Mr. Saburi, Mr. Ichihashi.

The secretary general, accompanied by Mr. Cresson, was present. Mr. Camerlynck (interpreter) was also present.

Mr. Hughes announced that he had been informed by the Japanese Ambassador that the Japanese Government had appointed Baron Hamaoka a plenipotentiary delegate.

Mr. Hughes then said that the committee had been convened to deal with certain questions not yet taken up. The committee was not yet ready to report, so he supposed the members would take up such other questions as the members de-

Mr. Hughes asked for the floor in order to express his keen regret that he could not give up his collaboration in the work of the conference. This day was the last one that he was spending in Washington. He considered it one of the greatest honors of his political life to have been able to participate, even for a time, in the proceedings of this conference, which had followed the noble, generous, and far-reaching initiative taken by the American Government. He had been able to do once more something which he had been unable to do in his own country. He closed the last plenary session with all the emotion which he felt: it was his gratitude to his colleagues for the words spoken by them and addressed to France. It was certain that the exchange of views and declarations which had taken place before the whole world had enabled Europe to take a great step forward on the road to peace. This had, in fact, brought about a moral situation without the existence of which it would have been hard, indeed, to reach a concrete result. No longer would anyone be able to say that the elements of France masked offensive intentions. Speaking frankly, it had been practically a necessity for France that these words should be uttered; she had been so sharply attacked; she had been excoriated with so many hidden motives that, in foreign lands, some had ventured to doubt her real purposes. On the morrow—and this was one of the reasons for which Mr. Briand had to return to Paris—the French Government and the French Parliament would take up the consideration of the military problem as it presented itself after the war and the victory; they would take it up with a desire to make the greatest possible progress in the realm of the reduction of military burdens. The duration of military service would very probably be reduced by one-half. Thanks to the words spoken at Washington, these decisions would be reached in a serene atmosphere.

Mr. Briand wished to add that he departed without anxiety, since he left his mandate in the hands of Mr. Viviani, who, during his previous trips to America, had created for himself universal sympathies. It was certain that in his hands the interests of France would be well safeguarded.

The chairman replied that he was sure that nothing he could say would adequately express the regret that all the delegates felt at Mr. Briand's departure, for they had all admired his eloquent presentation of the case of France, and had all felt a deep affection, which would remain with them permanently, for Mr. Briand. [Applause.] He felt, he said, that they were about to suffer, not only great personal loss, but loss as well in the progress of their work. The memory of the last plenary session and of his moving address would always remain with them, and whatever might be the work that they might subsequently perform, there was nothing whatever that would ever surpass the interest of that occasion. They thought they under-

stood the situation in France; certainly the opportunity had not been lacking of fairly judging it. France, they realized, was moved by a common desire to be freed from the burden of armament and at the same time to be assured of her own safety. She must now feel a sense of moral solidarity, with friends and well-wishers who would never forget. He trusted that Mr. Briand left with the sentiment that it had been a privilege for him to assist in these meetings. On behalf of the American Government, he expressed America's sense of the high honor conferred by the leader of the Government in France, in coming here, and America's recognition of the lasting tie that united the two peoples, a tie that had never been stronger than it was at the moment. [Applause.]

Mr. Balfour said he did not wish to add to or modify the admirable and eloquent speech made by the chairman in response to Mr. Briand. All must regret his departure on private no less than on public grounds. He was glad that Mr. Briand had found it possible to attend the opening of this conference, notwithstanding that the heavy responsibilities of a French prime minister weighed upon him. He rose, not for the purpose of repeating in worse language what the chairman had stated, but to raise a purely business question. The subject of land armaments was not regarded as settled even for France, and he understood it was to be raised in the French Chamber. He wished to know if it were proposed to raise it at the present conference. Although the question of land armaments as affecting France had been raised by Mr. Briand, there was no doubt that there were other important subjects relating to land armaments which deserved consideration. He would like to know in what order it was proposed to take them up. He did not suppose they were regarded as settled by the speeches made in public discussion. It was worth deliberating what steps it might be desirable to take in this important branch of the question of limitation of armaments affecting land warfare. If nothing could be done in the matter, there would be a sense of disappointment in Europe, as well as in America, and the opportunity could hardly be allowed to pass without some consideration of how the question ought to be dealt with.

The chairman asked whether Mr. Balfour had any suggestions to make, to which the latter replied that he had not.

Senator Schanzer said that he wished to join cordially in the expressions of regret which had been uttered here upon the occasion of Mr. Briand's approaching departure. The situation of France had been most eloquently described to the conference by Mr. Briand, and, speaking for the Italian delegates, he said they were glad to have been able to express their feelings of friendship for France, and to say that they understood perfectly the peculiarities and difficulties of her situation. Mr. Briand had communicated his point of view to the conference in a public session. The question of the limitation of armaments was considered of the highest importance in Italy. And, moreover, public opinion in other countries was agreed that something ought to be done regarding this matter. Italy could not, indeed, forget the heavy burdens that armaments had forced her to bear, and the taxes and fiscal necessities which resulted therefrom. All must hope that it would be possible to ameliorate that situation. It was not his intention, at that time, to advance a formal

proposal in the name of the Italian Government, although Italy desired to act in this matter in full agreement with the other powers. However, it seemed necessary to state Italy's definite intention to approach this question practically, and as soon as possible.

He felt that the committee should avoid giving to the world the impression that this conference, called to examine so important a question, had avoided the issue, or rather that it had sought to set aside indefinitely the solution of the problem. Such a course, he believed, would create a very bad impression in Italy.

While presenting no formal motion upon the subject, and while desiring to conform to the decisions of the conference, the speaker ventured to express the opinion that it would be advisable to continue the study of this question, without neglecting all that concerned the traffic in arms and munitions, the means of war, as well as the other points indicated in the agenda of the conference.

Mr. Briand said he was desirous of stating his opinion that the conference was facing a serious situation. Senator Schanzer and Mr. Balfour had said the conference had taken up the problem under consideration and that it could not give up its discussion without creating among the peoples of the earth a feeling of keen disappointment. But what solution would be satisfactory to all the nations? Could they be content with an expression of platonic aspirations? The French delegation was ready to join in such an expression most heartily. But it was precisely such action that would bring disappointment to the nations.

Was it the intention to debate the problem seriously? One country and one only was under discussion—France. Could France join in such an undertaking? The conference had conceded that her situation was exceptional. Under these circumstances and since the Governments there represented did not offer to assume, by a formal contract, a share of the burdens and perils that had fallen to her lot, they did not have the right to fix a limit to her armament. It was, indeed, the most sacred principle of national safety and sovereignty that was at stake. Since a full knowledge of the danger did not elicit the declaration that the peril would be shared, it could not equitably be said to France: Under such and such conditions and with such and such an army you are to face this danger.

What was it that Senator Schanzer wanted? Did he mean that, France being left to her own resources, her military situation should be determined by the conference? Mr. Briand did not believe so. If such an undertaking were attempted, nothing would be accomplished and France would be placed in the attitude of isolation, which he dreaded. Soon it would be said that France alone had been an obstacle to the great work of the limitation of armaments. Mr. Briand hoped that no such situation could possibly arise.

The terms of the problem would be altogether different if any other country were exposed to similar risks, but such was not the case. The conference had accepted the explanations that the delegate from France had presented in public session; Mr. Briand declared this was his understanding, if the words that had been spoken had any meaning. In view of this fact, he did not see what could be gained by general discussion of the question.

On the other hand, there was a series of limited problems, and, however delicate these might be, they could be taken up to advantage

for instance, aircraft and the use of gases in warfare. But it was impossible to deal with the fundamental problem of land armament and to determine a maximum of effectives and of matériel for each nation as could be done in the case of navies.

Mr. Briand desired to be clearly understood; while obliged to leave Washington, he did not wish to leave such an essential point in doubt. He was unwilling to risk that some day the peoples of the earth might be told that, if the problem of the limitation of land armaments had not been settled, it was because of the opposition of France.

Senator Schanzer said that his reply would be very precise and very clear, for it would be deplorable to allow any misunderstanding to arise. The question of limitation of armament was of very special importance to Italy, as she had already limited, as far as possible, her own armaments. Furthermore, he might be permitted to observe that this question did not concern France alone; it concerned central Europe also and the new countries created since the war, which already possessed considerable armies, or were engaged in organizing them. It was in the interest of all Europe that this problem should be examined. Mr. Briand had asked the question: What was it Senator Schanzer wanted? Senator Schanzer took the liberty of reminding the committee that Mr. Balfour had expressed the same anxiety that he himself had just manifested with regard to the results of this conference. Since the question had been asked, it must be answered, if not that day, at least at some other time. It seemed to him almost useless to state that no one had any intention of giving advice to France or of setting a limit to what she considered a necessary minimum of armament for insuring her own safety. In his speech the day before he had publicly expressed the most friendly feelings for France, and he wished to repeat, with heartfelt sincerity, the same sentiments. But that could hardly prevent the Italian delegation from explaining its point of view. There was, moreover, one point on which he could scarcely agree with Mr. Briand. The latter had asked: If the conference did not intend to reduce armaments, what was the use of an expression of platonic aspirations? The Italian delegation, Senator Schanzer stated, believed that in this matter the affirmation of certain principles was also of some importance. He did not think that it would be useless to take into consideration questions of principle; they were not futile questions, and their consideration was not without importance. He hoped he had made himself clear.

The Italian delegation did not propose immediate reduction of armament in Europe, because, among other reasons, he recognized that there were several nations concerned in the matter which were not taking part in the meeting. The Italian delegation believed that the committee should come to an agreement, with the idea that its members must all endeavor to secure a limitation of armament. They also believed in the advantage of a resolution expressing the hope that this object might be attained as soon as possible. He agreed with Mr. Briand, besides, as to the advantage there would be in discussing at once the secondary questions. He hoped he had expressed himself with all necessary clearness.

Mr. Balfour asked to be allowed to say one or two words to dissipate a misconception which perhaps Mr. Briand's words might



have occasioned. Mr. Briand had suggested—indeed, he had almost laid it down as a principle—that limitation of land armaments could only apply to one country, namely, France, and that no one who recognized—as Mr. Balfour had himself recognized—the special position of France, owing to the existence of the great nation on her eastern frontier, ought to raise a discussion on the subject. After the words he had spoken in public conference, no one would suspect him of misconceiving the cause for which France had stood and still stood. He had himself signed the tripartite agreement under which Great Britain would come to the assistance of France in the event of any unprovoked movement of aggression against her being made by Germany. Mr. Briand should realize from the terms of Mr. Balfour's speech what Great Britain felt in regard to France's position. But if Mr. Briand said that the question of limitation of land armaments must not be discussed, he was pressing his argument too far. It was impossible entirely to disassociate land from sea armaments. The people of Great Britain were so dependent on the sea for their being and existence that it was impossible for them to regard the question of sea power as entirely disassociated from land power.

Another point: No word had yet been said at the conference on the question of aerial warfare. It was surely not proposed to exclude this question and that of the armaments required to repel aerial attack. It could not be admitted that this was to be barred from future discussion because France was in a difficult position in regard to her eastern frontier. Great Britain, in spite of her insular position, was exposed to air attack, and could not admit that this question should be set aside. It would be dangerous for the conference to pass a resolution excluding from the scope of its agenda land power, and air power in relation to land power. Mr. Balfour hoped, therefore, that Mr. Briand would understand that Great Britain, though a party of the unratified treaty and far from being indifferent to the special position of France, could not consent to the whole question of land and air armaments being on that account withdrawn from the purview of the conference.

Mr. Briand observed that he had specially wished to state that the conference could proceed with the discussion of questions such as aircraft and use of gases. On these points, therefore, he met Mr. Balfour's wishes, but he would like to have more definite information in connection with the first part of his speech.

If the conference proceeded with the problem as a whole, the French delegation would like to know what result would be obtained. From a naval point of view a definite program had been presented. But the same thing could not be done in regard to land armaments. If the committee desired to confine itself to a recommendation, well and good: the French delegation had prepared a text, but it had given up the plan of presenting it, in order not to cause embarrassment and not to place certain Governments in a delicate position before their pacifists.

For his part, however, Mr. Briand had no fear of the pacifists: their object was not nearly so much peace as revolution. In so far as he was concerned, Mr. Briand undertook to vanquish their opposition. But if it appeared desirable to vote upon a text, the French delegation would ask that it should contain a precise statement to

that the exceptional situation of France had been taken into account.

Mr. Briand recalled to the committee that at The Hague Conference Germany had opposed the presentation of the disarmament resolution; Mr. Briand could not allow that, by reason of this resolution, France might be put in the position of having to follow the other Governments in the path of disarmament. He had already stated what France had accomplished and would do anything different, for, if she had remained under the colors, she had not modified her position. No doubt she would do this and would go further in the matter; Mr. Briand envied her ability to do so. It was obvious; the new States of central Europe were not created or enlarged by the Allies.

France was alone in having an enemy on her frontier. Recently, Mr. Lloyd-George in an eloquent speech had acknowledged this; Great Britain had the sea; Italy had her natural frontiers. Such was not the position of France. She had rashly reduced the term of military service to two years. In consequence, a few months ago, at a critical moment, she had but one trained class at her disposal. The tasks which had devolved upon France in the execution of the treaties of peace and which had no especial bearing upon French interests had compelled her to maintain 180,000 soldiers outside of France; thus, she had on the Rhine only 40,000 trained soldiers, while the German army numbered 100,000 men. What would have happened, he asked, if hostilities had broken out?

If, therefore, it were desired to formulate a general recommendation, Mr. Briand would not oppose the step. But, in that case, the exceptional position of France must be recorded and it must be made clear that she could do nothing in the way of land disarmament so long as the situation remained unchanged. It was true that Great Britain had offered her assistance to France in case of danger, but a condition had been attached to this assistance, and this condition had not been fulfilled. France now enjoyed the friendship of Great Britain and that of the United States, which was assuredly a precious possession but not a moral support. In case of attack, France should be able to defend herself alone.

Mr. Briand declared himself quite ready to join in a recommendation, but only under the conditions that he had just stated. Otherwise it might be said that the conference was animated by the best intentions and, but for the obstacle presented by France, would have accomplished an important work and there would again be talk of "French imperialism."

Should, therefore, a recommendation be all that was desired, it might be drawn up at once. Nothing, on the other hand, seemed to prevent the conference from taking up the definite problems that had been mentioned.

The chairman said that in making a list of topics for the American agenda, the American Government had been fully conscious of the difficulties involved in a discussion of land armament. The American Government understood the special situation of France, and had realized, too, that other Governments might express their views candidly and fully, and that some special difficulty might be

found in the case of each of them which would prevent such a reduction as would satisfy the peoples of the world. Other countries, not represented, would have to be considered. But this subject had been included, first, because the American Government had no desire to foreclose any helpful consideration of views and their presentation either in public or privately; and, second, because it was thought important not to limit discussion exclusively to naval limitation, since some important instruments of warfare could not be regarded as exclusively naval. The American Government desired to take account of actual conditions. No one wished to embarrass France, but what was wanted was to make progress toward the desired goal. It seemed to be recognized that there were some subjects which the committee could discuss. In the agenda the American Government had put in new agencies of warfare. The chairman's thought was that the committee should consider how it might satisfy the liberal opinion of the world concerning subjects dealt with. It might establish a subcommittee, similar to that on Chinese revenue, to get under way, for example, on the subject of aircraft and gas. These questions were not regarded as easy. It did not seem fitting to call a conference for the limitation of armament and not to consider these questions. Any attempt to define a limit for military forces would be in vain. He did not believe that it could be done at that time. Each nation would do that for itself under the pressure of its own people. Even if the committee were not able to agree on a detailed statement in respect, for instance, to aircraft, still it could show that it was giving such subjects extensive consideration. It was known how established rules on international law had been blown to pieces. Some expression of the opinion of the civilized world in this regard should be made in the conference.

Mr. Root said he wished to suggest an idea in connection with those so ably and appropriately expressed. It was this: Whether the committee succeeded or not in reaching a definite conclusion upon any matter connected with the limitation of land armament, sincere and practical consideration and discussion of the subject would itself greatly relieve the situation, and furnish the committee with a base from which some advance, not otherwise possible, might be made thereafter. The mere ascertaining of the obstacles in the way was itself a step in advance, changing vague and indefinite impressions, regarding matters to which they had not addressed their minds, into definite ascertainment of the particular reasons why a definite agreement could, or could not, be reached. This might bring many minds to a consideration of methods which would lead to future progress. Many failures preceded almost every success. The clear and cogent statement by Mr. Briand in the plenary session of the particular situation which would satisfy France—still bearing the heavy burden of a great army—would of itself create a new situation by carrying a definite concept to the millions of minds which are the backgrounds to the governments of the world. It was impossible to do more now toward the reduction of land forces than to set those minds to working out ways of overcoming obstacles. That was no slight advantage in the world of democracies. The committee might rest assured that, if it went on with the consideration of the problems of land armament, it was accomplishing something very useful, even though it did not reach an agreement.

The chairman pointed out that one of two courses was open to the committee in order to get on with its work. In the first place, it might refer to the committee on program and procedure (composed of the heads of the five powers), the subject of land armament and of new agencies of warfare, or else appoint a special committee to take up the different phases of the subject. Or, as a second solution, it might now proceed to take up the subject, provided, of course, that it was desired to take up the discussion of particular subjects then and there. He then suggested that attention be focused on the particular points that had to do with the progress of the committee's work.

Sir Robert Borden said that surely no member of the committee would think of imposing upon France, the victim of two unprovoked attempts in the last 50 years, any conditions that her people would regard as obnoxious. Yet he ventured to express the hope that the Government of France might, in the early future, find conditions so developed as to enable her to reduce her military preparations even below the point suggested by Mr. Briand. That, however, was by the way. He now wished to emphasize the point that the minds of all the people of the world were concentrated on the conference and its works, and that the members of the conference would be left in a very unfortunate situation if they took the position that they could not discuss the reduction of land armament. That discussion must take place, with due regard to what had been urged by France. The stability of the public opinion of the world and the return to normal conditions depended upon the progress made with this question as well as with others. The situation was difficult, but it seemed to him that this condition could be best met by a conference between the heads of the different delegations. He ventured to express the hope that a clear solution might be arrived at.

The chairman now formally asked what disposition it was desired to make of the matter.

Lord Lee said that it was in the power of any State to say what it liked about any subject or to decline to discuss any subject. If that were a general right, it was certainly France's right, but he was inclined to think that that should not preclude other States from discussing what they wanted.

Mr. Briand stated that the French delegation was ready to appoint three subcommittees: One on aircraft, one on gases, and the third on subjects relating to the laws of war. With a definite program in hand, these subjects might be taken up. In the same way the question of naval armaments had been approached with a definite program in view. In regard to the general question, Mr. Briand repeated that he needed certain further explanations. What was to be discussed? A limitation of armament? Matters of effectives and war matériel? France could not appoint an expert to take part in a committee of that nature. If a definite proposal of collaboration were advanced, if it were a question of establishing in common an international force with the duty of maintaining order, well and good—disarmament might be considered. If the peoples of the earth were as eager as was claimed to see armaments limited, their representatives had only to say: A danger exists; we recognize it; we will share it with you shoulder to shoulder; here is our signature. In that case France would fully agree to consider the problem of the

expert advice. He now suggested that this procedure be modified and that in its place a subcommittee be appointed consisting of the heads of delegations, and in addition, as representing each delegation, a civilian (who might or might not be a delegate), and a naval expert. The chairman stated that this suggestion had been made with the object of obtaining expert advice and expediting decisions by the principal delegates at the same time.

Senator Schanzer asked whether he was to understand that the decisions of this committee were to be referred to the plenary committee or whether it was a mere change in subcommittees.

The chairman stated that he believed the latter to be the sense of the committee.

Mr. Hanihara asked whether it was in order to bring only one naval expert, in which case he desired that Baron Kato be accompanied by an interpreter.

The chairman then ruled that interpreters would not count in this matter and could attend.

Senator Schanzer asked whether in place of a civil and technical delegate he might bring two technical delegates.

The chairman stated that the permission allowed was for a delegate, a naval expert, and a civilian.

Mr. Balfour stated that the British Empire delegation would be composed of Lord Lee, Mr. Balfour, and Admiral Chatfield.

The chairman stated that the American delegation would consist of himself, Col. Roosevelt, and Admiral Coontz.

Mr. Viviani declared that the French delegation would be composed of Mr. Sarraut, Mr. Jusserand, and Admiral de Bon.

The chairman said that the meeting of this committee would be subject to the call of the chair.

The meeting then adjourned.

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**FOURTH MEETING, COLUMBUS ROOM, PAN AMERICAN UNION  
BUILDING, THURSDAY, DECEMBER 22, 1921, 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley.

*France.*—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odendhal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

*Japan.*—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi, Commander Hori.

bers were present except Baron Shidehara and Signor Meda. After a general discussion of the subjects relating to land armament and new agencies of warfare, these were referred to the subcommittee consisting of the heads of the delegations with instructions to bring in an order of procedure with regard to these subjects and with power to appoint subcommittees to deal with the questions relating to poison gas, aircraft, and rules of international law.

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**THIRD MEETING, COLUMBUS ROOM, PAN AMERICAN UNION BUILDING, MONDAY, DECEMBER 12, 1921, 1 P. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. Wright.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*France.*—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchène.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Fileti, Mr. Cora, Mr. Giannini.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Saito, Mr. Ichihashi.

The secretary general. Accompanied by Mr. Cresson.

Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The third meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Monday, December 12, 1921, at 1 p. m.

2. The following were present for the United States, Mr. Hughes, Senator Lodge, Mr. Root; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara.

3. Secretaries and advisers present included the following for the United States, Mr. Wright; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for France, Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchene; for Italy, Marquis Visconti-Venosta, Mr. Fileti, Mr. Cora, Mr. Giannini; for Japan, Mr. Saburi, Mr. Saito, Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. All the members being present at a previous meeting of the Pacific and far eastern committee, the chairman, Mr. Hughes, called a meeting of the Committee on Limitation of Armament to discuss a change of procedure. The chairman referred to the subcommittee which had been appointed by the Committee on Limitation of Armament to deal with the questions of naval armament and to which certain persons had been appointed in order to benefit by their

corporated in the records of this committee, as though it had been stated in full, as follows:

"The following are the points of agreement that have been reached in the course of the negotiations between the United States of America, Great Britain, and Japan with respect to their capital fighting ships.

"An agreement has been reached between the three powers—the United States of America, the British Empire, and Japan—on the subject of naval ratio. The proposal of the American Government that the ratio should be 5:5:3 is accepted. It is agreed that with respect to fortifications and naval bases in the Pacific region, including Hongkong, the status quo shall be maintained, that is, that there shall be no increase in these fortifications and naval bases except that this restriction shall not apply to the Hawaiian Islands, Australia, New Zealand and the islands composing Japan proper, or, of course, to the coasts of the United States and Canada, as to which the respective powers retain their entire freedom.

"The Japanese Government has found special difficulty with respect to the *Mutsu*, as that is their newest ship. In order to retain the *Mutsu* Japan has proposed to scrap the *Settsu*, one of her older ships, which, under the American proposal, was to have been retained. This would leave the number of Japan's capital ships the same, that is, 10, as under the American proposal. The retention of the *Mutsu* by Japan in place of the *Settsu* makes a difference in net tonnage of 13,600 tons, making the total tonnage of Japan's capital ships 313,300 tons, as against 299,700 tons under the original American proposal.

"While the difference in tonnage is small, there would be considerable difference in efficiency, as the retention of the *Mutsu* would give Japan two post-Jutland ships of the latest design.

"In order to meet this situation and to preserve the relative strength on the basis of the agreed ratio, it is agreed that the United States shall complete two of the ships in course of construction, that is, the *Colorado* and the *Washington*, which are now about 90 per cent completed, and scrap two of the older ships, that is, the *North Dakota* and the *Delaware*, which, under the original proposal, were to be retained. This would leave the United States with the same number of capital ships, that is, 18, as under the original proposal, with a tonnage of 525,850 tons, as against 500,650 tons as originally proposed. Three of the ships would be post-Jutland ships of the *Maryland* type.

"As the British have no post-Jutland ships, except one *Hood*, the construction of which is only partly post-Jutland, it is agreed that in order to maintain proper relative strength the British Government may construct two new ships not to exceed 35,000 legend tons each; that is, calculating the tonnage according to British standards of measurement, or, according to American calculations, the equivalent of 37,000 tons each.

"It is agreed that the British Government shall, on the completion of these two new ships, scrap four of their ships of the *King George V.* type—that is, the *Erin*, *King George V.*, *Centurion*, and *Ajax*, which were to have been retained under the original American proposal. This would leave the British capital ships in number 20, as against 22 under the American proposal. Taking the tonnage of the

The secretary general, assisted by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson: interpreters, Mr. Camerlynck and Mr. Talamon.

1. The fourth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Thursday, December 22, 1921, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Read Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uveda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi, Commander Hori. The secretary general, accompanied by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon were present as interpreters.

4. The chairman, Mr. Hughes, opened the meeting by saying that, as the members of the committee would recall, at the first meeting of this Committee on the Limitation of Armament a subcommittee, consisting of technical experts, had been appointed for the purpose of giving information and advice in connection with the proposal formulated by the American Government and any other matters that might be considered pertinent. That committee had proceeded with its deliberations. Conversations between the heads of the United States, British Empire, and Japanese delegations with respect to the definite proposals for the limitation of the capital ships of those three nations had followed. An agreement had been reached between the three powers concerning their capital ships, which, however, was a provisional one, so far as the number of capital ships to be scrapped and the number to be retained was concerned, depending for its final and definite adoption upon the future action of France and Italy.

The chairman stated that it had been found advisable to enlarge the subcommittee, which, it would be recalled, was originally composed exclusively of naval experts, in effect forming a new subcommittee in its place: this new subcommittee had been composed of one delegate for each of the five powers, together with one naval expert and one civilian (who might be a delegate or not), so that expert and political opinions might be more closely related.

The chairman was glad to say that at the first meeting of this new subcommittee (which had been called the subcommittee of fifteen on naval limitation), he had been able to announce that an agreement, provisional while awaiting the decision of France and Italy, had been reached between the delegations of the United States, the British Empire, and Japan. This agreement being familiar to all, he did not wish to take time to read it, but desired to have it in-



corporated in the records of this committee, as though it had been stated in full, as follows:

"The following are the points of agreement that have been reached in the course of the negotiations between the United States of America, Great Britain, and Japan with respect to their capital fighting ships.

"An agreement has been reached between the three powers—the United States of America, the British Empire, and Japan—on the subject of naval ratio. The proposal of the American Government that the ratio should be 5:5:3 is accepted. It is agreed that with respect to fortifications and naval bases in the Pacific region, including Hongkong, the status quo shall be maintained, that is, that there shall be no increase in these fortifications and naval bases except that this restriction shall not apply to the Hawaiian Islands, Australia, New Zealand and the islands composing Japan proper, or, of course, to the coasts of the United States and Canada, as to which the respective powers retain their entire freedom.

"The Japanese Government has found special difficulty with respect to the *Mutsu*, as that is their newest ship. In order to retain the *Mutsu* Japan has proposed to scrap the *Settsu*, one of her older ships, which, under the American proposal, was to have been retained. This would leave the number of Japan's capital ships the same, that is, 10, as under the American proposal. The retention of the *Mutsu* by Japan in place of the *Settsu* makes a difference in net tonnage of 13,600 tons, making the total tonnage of Japan's capital ships 313,300 tons, as against 299,700 tons under the original American proposal.

"While the difference in tonnage is small, there would be considerable difference in efficiency, as the retention of the *Mutsu* would give Japan two post-Jutland ships of the latest design.

"In order to meet this situation and to preserve the relative strength on the basis of the agreed ratio, it is agreed that the United States shall complete two of the ships in course of construction, that is, the *Colorado* and the *Washington*, which are now about 90 per cent completed, and scrap two of the older ships, that is, the *North Dakota* and the *Delaware*, which, under the original proposal, were to be retained. This would leave the United States with the same number of capital ships, that is, 18, as under the original proposal, with a tonnage of 525,850 tons, as against 500,650 tons as originally proposed. Three of the ships would be post-Jutland ships of the *Maryland* type.

"As the British have no post-Jutland ships, except one *Hood*, the construction of which is only partly post-Jutland, it is agreed that in order to maintain proper relative strength the British Government may construct two new ships not to exceed 35,000 legend tons each; that is, calculating the tonnage according to British standards of measurement, or, according to American calculations, the equivalent of 37,000 tons each.

"It is agreed that the British Government shall, on the completion of these two new ships, scrap four of their ships of the *King George V.* type—that is, the *Erin*, *King George V.*, *Centurion*, and *Ajax*, which were to have been retained under the original American proposal. This would leave the British capital ships in number 20, as against 22 under the American proposal. Taking the tonnage of the

two new ships according to American calculations, it would amount to 74,000, and the four ships scrapped, having a tonnage of 96,000 tons, there would be a reduction in net tonnage of 22,400 tons, leaving the British tonnage of capital ships 582,050 instead of 604,450. This would give the British as against the United States an excess tonnage of 56,200 tons, which is deemed to be fair, in view of the age of the ships of the *Royal Sovereign* and the *Queen Elizabeth* types.

"The maximum limitation for the tonnage of ships to be constructed in replacement is to be fixed at 35,000 legend tons—that is, according to British standards of measurement, or, according to American calculations, the equivalent of 37,000 tons—in order to give accommodation to these changes. The maximum tonnage of capital ships is fixed, for the purpose of replacement, on the basis of American standards of calculation, as follows:

	Tons.
United States.....	525,000
Great Britain .....	525,000
Japan.....	315,000

"Comparing this arrangement with the original American proposal, it will be observed that the United States is to scrap 30 ships as proposed, save that there will be scrapped 13 of the 15 ships under construction and 17 instead of 15 of the older ships.

"The total tonnage of the American capital ships to be scrapped under the original proposal, including the tonnage of ships in construction if completed, was stated to be 845,740 tons. Under the present arrangement the tonnage of the 30 ships to be scrapped, taking that of the ships in construction if completed, would be 820,540 tons.

"The number of the Japanese ships to be retained remains the same as under the original proposal. The total tonnage of the ships to be scrapped by Japan under the original American proposal, taking the tonnage of new ships when completed, was stated to be 448,928 tons. The total tonnage of the ships to be scrapped under the present arrangement is 435,328 tons.

"Under the original proposal Great Britain was to scrap 19 capital ships (including certain predreadnaughts already scrapped), whereas under the present arrangement she will scrap 4 more, or a total of 23. The total tonnage of ships to be scrapped by Great Britain, including the tonnage of the four Hoods, to which the proposal referred as laid down, if completed, was stated to be 583,375 tons. The corresponding total of scrapped ships under the new arrangement will be 22,600 tons more, or 605,975 tons.

"Under the American proposal there were to be scrapped 66 capital fighting ships built and building, with a total tonnage (taking ships laid down as completed) of 1,878,043 tons. Under the present arrangement, on the same basis of calculation, there are to be scrapped 68 capital fighting ships, with a tonnage of 1,861,643 tons.

"The naval holiday of 10 years with respect to capital ships, as originally proposed by the American Government, is to be maintained except for the permission to construct ships as above stated.

"This arrangement between the United States, Great Britain, and Japan is, so far as the number of ships to be retained and scrapped is concerned, dependent upon a suitable agreement with France and

Italy as to their capital ships, a matter which is now in course of negotiation."

The chairman, continuing, reported that the subcommittee of fifteen on naval limitation had proceeded to consider the question of capital ship tonnage with regard to France and Italy. Admiral de Bon had very eloquently presented a proposal on behalf of the French Government which had been discussed. He would not attempt to describe the course of that discussion. It would be sufficient for him to say that there had been a discussion of the French desire to be free to build 10 capital ships of 35,000 tons each. The American delegation had stated its understanding that the present composition of France's first line navy was 7 capital ships, totaling 164,000 tons, and 3 predreadnaughts, giving an approximate total tonnage of 221,000 tons. He had pointed out that the other Governments had agreed to scrap their predreadnaughts without planning to replace them. Apart from this, the agreement to scrap capital ship tonnage represented for the three powers a cut of about 40 per cent in their capital ship tonnage exclusive of predreadnaughts. In the case of France, a similar reduction would have meant a reduction to about 102,000 tons. It had been considered fair not to ask so much of France, but that she should be free to keep all of her 10 ships, including the 3 predreadnaughts. In replacing her old ships, however, France was asked to keep her Navy down to 175,000 tons.

He had reported further that Italy had expressed the desire to maintain a naval parity with France. Italy was perfectly satisfied with the limit of 175,000 tons for capital ships so long as it applied equally to France and Italy. He had understood that the French Government was also content with parity with Italy. Admiral de Bon had, however, presented a complete statement of France's position; of her desire to be free to have 10 ships in the course of time, to put her fleet on a footing she considered necessary and fitting, and to begin the replacement of her warships at an earlier date, due to the condition of her dockyards and to the fact that she had already refrained from building for some years.

In view of his responsibilities as chairman, and considering that Mr. Briand had been present at the earlier sessions of the conference and shown such a strong wish to see it succeed, he, with the knowledge of the French representative, had sent a message to Mr. Briand and received a reply. This correspondence being familiar to all, he would regard it as now submitted and ordered spread upon the records, as follows:

"DECEMBER 16, 1921.

"MY DEAR M. BRIAND: In view of your distinguished service at the Conference on Limitation of Armament and of my responsibilities as chairman of the conference, I venture to address to you this personal word. I am happy to say that the conversations between the United States, Great Britain, and Japan as to the proposal which I made on behalf of the American Government at the opening of the conference with respect to capital ships have resulted in a provisional agreement. Great Britain and Japan have accepted the naval ratio as proposed and the reduction of capital ships, with such modifications as do not seriously affect the principle involved. Japan keeps the *Mutsu* and scraps the *Settsu*. The United States finishes

two ships, the *Colorado* and the *Washington*, now about 90 per cent completed, and scraps the *North Dakota* and *Delaware*. Great Britain will build two new ships and scrap four, to wit, the *Erin*, *King George V*, *Centurion*, and *Ajax*. The result is that the United States still scraps 30 ships—that is, 13 of the ships under construction and 17, instead of 15, of the older ships, leaving the number of ships the same as under the original proposal, with a tonnage of 525,000 tons, instead of 500,000 tons. Thus the United States scraps 322,000 tons of her ships (exclusive of predreadnaughts). Great Britain and Japan scrap to an equivalent extent. Japan retains the same number of ships as proposed and scraps 17 as proposed, her new tonnage being 313,300, instead of about 300,000.

"Great Britain scraps 22,600 tons more than originally proposed, leaving her tonnage 582,000 instead of 604,400, her excess being allowed in view of the age of her existing ships. The new limits are very little different from those proposed, being 525,000 tons for the United States and Great Britain, and 315,000 tons for Japan. The naval holiday as to capital ships is agreed upon except for the construction of the ships above mentioned. In short, under the original American proposal there were to be scrapped by the three powers 66 capital fighting ships, built and building, with a total tonnage (taking ships laid down as completed) of 1,878,000 tons. Under the present arrangement, on the same basis of calculation, there are to be scrapped 68 capital fighting ships, with a tonnage of 1,861,000 tons.

"You will thus observe that there has been simply a slight readjustment in the three navies with respect to the ships retained, but that the sacrifices proposed by the American Government have substantially been made and the principle as laid down is being carried out so far as these three powers are concerned.

"The agreement, however, as to the number of ships to be retained by them is dependent upon an appropriate agreement with France and Italy with respect to their capital ships. Italy is desirous to reduce her capital ships, because of the obvious requirements of her economic life, to the lowest possible basis and there will be not the slightest difficulty in making an agreement with Italy if we can reach a suitable understanding with France.

"You will observe the attitude of France will determine the success or failure of these efforts to reduce the heavy burden of naval armament.

"In dealing with Great Britain and Japan we have taken facts as they are. We have avoided an academic discussion of national needs and aspirations which in the nature of things could not be realized. It has been pointed out that the ratio of strength in capital ships is that which exists and that it is futile to desire a better one, for it can not be obtained if nations with abundant resources build against each other in competition. The predreadnaughts possessed by the three powers are to be scrapped without any suggestion of replacement, and there has been a reduction of over 40 per cent of the naval strength represented by dreadnaughts and superdreadnaughts. Now, France has seven dreadnaughts, with a tonnage of 164,500. Reducing in the same proportion as the United States has reduced, her tonnage of capital ships would be fixed at 102,000, or if the predreadnaughts of France were taken into calculation on her side although

omitted on the side of the United States, the total tonnage of France's capital ships being taken at 221,000, a reduction on the same basis would reduce France to 136,000 tons.

"This would be the sacrifice of France if she made the same sacrifices that have been made by the other powers. We do not ask this. We are entirely willing that France should have the benefit of an increased tonnage which would preclude the necessity of her scrapping her dreadnaughts; that is to say, her present strength in dreadnaughts is about 164,000 tons, and there is not the slightest objection to allowing this and an increase over this, or a total of 175,000 tons, which would be more than 70,000 tons over what she would have on the basis of relative strength as it exists.

"If it be said that France desires a greater relative strength, the obvious answer is that this would be impossible of attainment. If such an agreement as we are now proposing were not made, the United States and Great Britain would very shortly have navies of over a million tons, more than 6 to 1 as compared with France, and France would not be in a position to better herself, much less by any possible endeavor to obtain such a relative strength as has been suggested. In short, the proposed agreement is tremendously in favor of France by reducing the navies of powers who not only are able to build but whose ships are actually in course of construction to a basis far more favorable to France than would otherwise be attainable. The proposed agreement really doubles the relative strength of the French Navy.

"In these circumstances I feel that the suggestion that has been made that France should build 10 new capital ships in replacement, with a tonnage of 300,000 tons or more, suggests a program of such magnitude as to raise the greatest difficulties. In fact, I regret to say that after canvassing the matter thoroughly and taking the best information I can obtain, I am compelled to conclude that it would not be possible on this basis to carry through the agreement.

"I need not point out to you our great desire, which you yourself have so eloquently expressed, that the economic burden of armament should be lifted. It is not against the interests of France that we express the hope that her industry and resources will be devoted to economic recuperation and the enhancement of her prosperity rather than be expended in the building of fighting ships. The particular situation of France with respect to land armament you have vividly portrayed, but that points, as it seems to us, to the very great importance of reduction in naval armament. At this time, when we are anxious to aid France in full recovery of her economic life, it would be most disappointing to be advised that she was contemplating putting hundreds of millions into battleships.

"I have spoken to you thus frankly because of my deep appreciation of your friendship and of your solicitude for the success of the efforts we are making, and in the hope that the present matter, which represents perhaps the most critical position yet reached in the conference, may be adjusted on a satisfactory basis. I repeat that the provisional agreement reached with Great Britain and Japan hinges upon an appropriate agreement with France, and I can not too strongly urge the most careful consideration of all the matters to which I have taken the liberty to allude. Permit me to assure you

of my highest respect and of the keen desire that we entertain in America that you should visit us again at an early date.

"CHARLES E. HUGHES."

"LONDON, *December 18, 1921.*

"MY DEAR MR. HUGHES: At the moment of my departure for London, Mr. Herrick handed me your friendly telegram in regard to the difficulties which have arisen in the Naval Disarmament Commission in reference to the tonnage of capital ships which have been asked for by the French delegation.

"You fear that the maintenance of this French request may have as its effect to hinder the agreement between the five powers.

"The will of the French Government is to do everything which is compatible with the care of the vital interests of France with a view to reconcile our points of view.

"In the question of naval armament, the preoccupation of France is not the offensive point of view but uniquely the defensive point of view.

"With regard to the tonnage of capital ships—that is to say, attacking ships, which are the most costly—I have given instructions to our delegates in the sense which you desire. I am certain that I shall be sustained by my Parliament in this view.

"But so far as the defensive ships are concerned (light cruisers, torpedo boats, and submarines) it would be impossible for the French Government, without putting itself in contradiction with the vote of the chambers, to accept reductions corresponding to those which we accept for capital ships under this formal reserve which you will certainly understand.

"The idea which dominates the Washington conference is to restrict naval armaments which are offensive and costly. But I do not believe that it is the program to deny to a nation like France, which has a large extent of coasts and a great number of distant colonies, the essential means of defending its communications and its security.

"I am certain, my dear Mr. Hughes, that you will appreciate the effort of conciliation which we are making in order to respond to your request.

"I beg you kindly to accept my cordial remembrances and the ardent wish which I form for the complete and striking success of the conference over which you preside with so much authority and brilliancy.

"BRIAND."

The chairman stated that he had understood the attitude of the French Government in substance to be that it was not so much preoccupied with the question of capital ships as it was concerned with auxiliary vessels such as light cruisers, destroyers, and submarines. Capital ships were very costly and he had understood that in this regard the French Government was willing to accept a solution in the sense which he, as chairman, had desired, but that it could not accept a corresponding reduction with regard to auxiliary craft.

Then had followed a discussion of the desire voiced by Admiral de Bon that France should have six instead of five capital ships and

that an arrangement should be reached with respect to auxiliary vessels before any decision was made concerning capital ships. Admiral de Bon had submitted very complete and important figures in connection with France's replacement problem, the difficulties of constructing several ships at once in her dockyards, and the consequent desire of the French Government to begin building in 1927 and to lay down one ship annually until the French quota was filled.

There had been some question as to whether, in the correspondence passing between Mr. Briand and the chairman, Mr. Briand had conditioned his acceptance of the capital-ship tonnage proposed for France (175,000 tons) upon the making of a satisfactory adjustment with reference to auxiliary combatant surface craft and submarines or whether he had unconditionally accepted the proposed capital-ship tonnage for France (175,000) but at the same time had made a full reservation that such acceptance should in no way prejudice the position as to auxiliary combatant surface craft and submarines which the French might desire to take. He (the chairman) had understood it in the latter sense. He had not understood that it was in any way necessary to come to an understanding with regard to lighter craft before reaching an agreement concerning capital ships, but had understood that nothing that was decided in regard to the capital-ship ratio should be considered as involving a concession as to auxiliary vessels.

The chairman stated that he had had no desire to detract in any manner from the French reservation or to build anything upon a phrase, but he had not thought it necessary to wait for a decision regarding lesser craft before reaching a provisional agreement on capital ships. Upon this point the subcommittee had desired to know fully the views of the French delegation.

When this point in the deliberations of the subcommittee had been reached it was realized that it was not dealing with exclusively technical matters, and he had accordingly suggested that there were no reasons why these discussions should not proceed before the full committee, as many of the delegates not present on the subcommittee would like to hear them. It was not necessary to be a naval expert—which he himself made no pretense of being—in order to take part, and he felt a little reluctance at having the discussions proceed while the other delegates were absent. It had therefore been decided to continue the discussions in the full committee, inviting the technical naval experts to sit with the delegations. This meeting had then been called.

The chairman stated further that he could not possibly do justice to the elaborate statements made by Admiral de Bon, who had presented detailed arguments in support of every phase of the French Government's position. The chairman therefore had merely given an outline of the whole situation and would not attempt to go into details. He desired only to set forth the main points, so that the committee might have a basis upon which to proceed. To sum up, therefore, his understanding was that France was ready to accept the limit of 175,000 tons for capital ships, but distinctly reserved her decision with regard to auxiliary vessels and submarines and was

not willing to have her acceptance taken in any way as implying an agreement to a corresponding figure for auxiliary vessels.

The chairman then pointed out that the committee was uninformed with regard to what tonnage of lighter craft, destroyers, submarines, etc., the French Government desired. He felt that a statement from the French delegation on this point would now be useful. In saying this, however, he, of course, did not wish to foreclose discussion by others of the points he had already set forth.

The chairman added that he regretted to find he had omitted a point which should have been included in his review. It was quite apparent that it was impossible to foresee the future development of naval construction and of scientific researches, or what new political conditions might arise with relation to other powers not represented here. Consequently the opinion had been generally expressed that there should be another conference after 10 or after 7 years to reconsider questions that might result from new conditions produced through scientific or political developments or to deal with questions raised by or between powers not represented at the conference here. This did not mean that this present conference should not arrive at a decision fixing definite points of agreement. It meant that the present gathering might provide for a later conference to consider new phases and developments at a later date. He added that Mr. Balfour had suggested that the American Government should prepare and submit a draft statement regarding the calling of a new conference, and that this suggestion had been accepted.

In conclusion the chairman said that he thought he had now reviewed all that was necessary and that he would accordingly invite discussion.

Admiral de Bon said that he had nothing to add to the very clear presentation that had just been made by the chairman; he only asked permission to add a few words for the benefit of the delegates who had not been present at the meetings of the subcommittee in order to make entirely clear to them the spirit of the French demands.

When the French delegation had been called upon to formulate their views on the program for the reconstruction of the future force of France in capital ships, they had first pointed out that the coefficient which had served as a basis for the future naval forces of the British, Japanese, and American Navies could not be used for calculating the future naval force necessary for France.

The reason for this was obvious; this coefficient had been deduced from calculations based on the considerable increases in the three navies, whereas the French Navy was in a situation which demanded special consideration; it was far behind its normal program and even below its normal condition.

France had, in point of fact, already considerably reduced her fleet, while, during the same period, the American Navy had increased 48 per cent and the Japanese Navy 26 per cent. Before the war Great Britain had been obliged to build, in order to meet the threat of Germany; then the United States and Japan threw themselves into that armament race which had been one of the chief reasons for this conference. This coefficient could not, then, with justice and equity, be applied to France; she must suggest another method of calculation.



Her naval strength was, at present, composed of 10 vessels (including 3 predreadnaughts), the replacement of which was contemplated by France. As soon as she had been informed that predreadnaughts were not to be counted, she had agreed to limit herself to 7 ships.

France did not contemplate the immediate construction of a fleet of 10 battleships of 35,000 tons, but only the adoption of a program which would permit the replacement of the ships existing to-day from time to time as they should become obsolete, in accordance with the dates specified in the American scheme and based upon the normal life of vessels.

Such a program could not be completed before 1941. France could not allow herself to disappear from the number of the maritime powers, but she had never had the intention of constructing 10 vessels within a short time; her program had in view a gradual increase covering the period up to 1941, which indicated that her ambition was not inordinate.

At the last session the French delegation had finally agreed to consider a substantial reduction of their demands, leaving France with only 5 capital ships, with the reservation that they would ask a reconsideration of the point by the delegation, since 5 vessels did not constitute a tactical unit, the minimum of the weakest squadron that ever existed being 6 ships.

If France remained with only 5 ships, she would be practically disarmed from a naval point of view; with 6 ships she would be weak, but could still create a living organization.

The proposals which have been made by the French delegation, in conformity with instructions received, were based upon the above principles.

This enormous concession had been made for the sake of the success of the conference; it had left France in a serious situation and it had, as a consequence, created the imperative need that she should have a greater number of light craft and submarines. Under these circumstances, the French delegation believed the future constitution of the French fleet would have to be considered as a whole and could not be divided into two parts—capital ships on the one hand and light craft and submarines on the other.

Such a method would be required not only for the French fleet but for all the navies. The chairman had pointed out that, at this juncture, it would be desirable for France to make known her requirements as to submarines and light craft; the French delegation were disposed to do so; correspondence was in progress with the French Government, and a telegram was expected which would make known the results of the decisions reached. The question was a very serious one, and before definite figures could be presented they should receive the sanction of the Government.

If concessions should be demanded in the matter of light craft and submarines, the great concession that had been made in regard to capital ships should be borne in mind and the security of France and the limitations of her normal naval existence should not be lost sight of.

In considering the problem as a whole, the French delegation were confronted by a question, raised by the British delegation, in regard to the necessity for abolishing or retaining the submarine.

It appeared to the French delegation that in discussion this matter took precedence over the others, since it might embarrass their labors or nullify their results. It was desirable to make rapid progress, and the delegation believed that the first thing to do was to discuss the submarine question; this was the natural sequence of things, and this question should be taken into serious consideration and be made the subject of a very frank debate.

In conclusion, the French delegation desired to state its conviction that the discussion could not be pursued without taking into account the question of submarines.

The chairman stated that he wished to make a suggestion in order to avoid the possibility of any misapprehension. The proposal made by the American Government at no time contained any suggestion as to the exact number of ships any power might build in replacement. It had said how many ships the United States, Great Britain, and Japan should discard and how many they should retain. The calculations regarding replacement were based entirely on tonnage. What had been said regarding the number of capital ships had simply been inferred from calculations based on the tonnage figures. It had not been stated in the American proposal that the reduction to 175,000 tons for France and Italy would limit them to five ships. That conclusion was a deduction by the French and Italian delegations. Using 35,000 tons as the necessary size of a capital ship, it was evident that the result would be five ships. But no country was required to build vessels of that tonnage. The French Navy had at present seven capital ships totaling 164,000 tons. There was no objection to France having six or seven ships, or whatever number she desired. The chairman could understand the desire to have all ships built of the maximum size, but that was a matter of preference and was in no sense obligatory. He pointed out that there was therefore no question as to the number of ships; it was a question of tonnage only—a question of whether France should have 175,000 tons or should be allowed six ships of 35,000 tons, which would mean a total of 210,000 tons.

The chairman then referred to Admiral de Bon's suggestion that there should be a preliminary discussion regarding the abolishment of submarines. The committee greatly desired, he felt, to proceed with the discussion concerning auxiliary craft as soon as the French delegation were prepared to state what France desired in that regard. Without such a statement there was nothing upon which to proceed save the original American proposal. Italy desired equality with France, but the standard on which such equality must be based was not before the committee. The committee must therefore wait until the French delegation were ready to present their particular proposal. After that the discussion would continue.

Admiral de Bon said he desired to add but one word to what he had already said. He did not believe it possible, when the question of the French Navy was considered, that anybody could believe France so foolish as to construct small capital ships; that is to say, those inferior to 35,000 tons. If France should later find herself obliged to construct vessels of war—although she had not yet expressed her intention of doing so—she must certainly build vessels equal in strength to the capital ships of other navies. In other

words, to impose upon her a maximum of 175,000 tons would be equivalent to limiting her to five boats. With respect to this there could be no hesitation, he said, in the minds of properly informed persons. The total amount of tonnage must change, whether they built five or whether they built the proper organic force of six. Concerning these questions a certain delay had arisen because Mr. Briand was at the moment somewhere between London and Paris and under such circumstances consultations were difficult or impossible. He now came, he said, to the question of submarines. Whether they were to be abolished or not, in view of the fact that nothing could be done without clearing up this point, he suggested that the matter should be taken up immediately; it would forward the work of the conference to do so.

Lord Lee said that he rose to clear up an important point with reference to the prospective conference to be held seven years hence, or it might be earlier. The justification for the conference arose from the inevitable development of technical aspects of the naval problem, which might render technical decisions now made either obsolete or inadequate. Among such technical questions, he put that of numbers as opposed to tonnage, as a basis of calculation for capital ships. Moreover, in seven years' time, 35,000 tons "legend draft" might prove no longer a useful rule as to the limitation of individual capital ships. These questions of technical proportions he proposed should be left open for reconsideration at the future conference.

Senator Schanzer asked that he be allowed to make a few remarks on the subject of future meetings. Italy, of course, was in sympathy with the proposal for a meeting in seven years, and could understand that it might be necessary to discuss and review the work done at this conference. He suggested, however, but only in an informal way, that room be left in the agreement for a clause which would permit any one of the signatory powers to ask for a meeting at any time prior to the conclusion of the seven-year period. He pointed out that while scientific changes were sure to take place, political changes were also quite possible. He was not thinking, he added, of Germany, since Germany would be held in restraint by the terms of the treaty of Versailles, but of Russia. No one knew what Russia might do. He suggested, therefore, that there be an agreement for a meeting in seven years, but that the right be reserved to call one at an earlier date.

Mr. Balfour questioned whether the moment was suitable for a discussion on the question of the next conference. He understood that his own suggestion that the United States delegation should draw up a resolution on the subject for later consideration had been acceptable for the purpose of giving effect to the general policy of all the powers represented here. He was sure that the United States Government would consider the question of the date from the point of view not only of possible technical developments, but also of those considerations of international polity which Senator Schanzer had very properly referred to. He himself would prefer an interval of eight rather than seven years, but perhaps it would be better to adjourn the discussion until the proposal of the United States Government was available.

The chairman observed that a point had been reached where the French delegation were not prepared to present a definite proposal with regard to lighter craft and desired a discussion of the question of submarines, which it was understood the British Government desired to have abolished. The British delegation, however, not having expected this subject to arise so soon, were not yet ready to introduce it. If it would be convenient for the members of the committee to meet at 3 o'clock that afternoon, progress might be made with the submarine question. He wished neither to hasten his colleagues unduly nor to take the responsibility of delaying the proceedings when there was so much to be discussed.

Mr. Sarraut said that the French delegation would raise no difficulties with respect to holding a session of the committee during the afternoon, but in regard to the definite statements referred to by Mr. Hughes they could not undertake to have the matters in question ready. The reason was obvious. Mr. Briand was to arrive in Paris that afternoon. It had been impossible to keep him informed with respect to the negotiations here. Always faithful to France's aim of seeking to reconcile opposing views an accord was looked for which would satisfy the United States and the other powers. He could say that the French program would be carefully revised, but with respect to the second part of the question—i. e., that concerning submarines and auxiliary ships—although their views had been transmitted to Paris they could not act without the approval of the French Government. They expected to receive an early answer, but in the natural course of things this could not be expected during the afternoon. This was because Mr. Briand was only then leaving London and would be obliged to consult on his arrival with the French minister of marine. With these reservations he accepted the proposal of a meeting that afternoon. Or, if the British delegation so desired and were ready to proceed, the French delegation were ready to continue immediately with the discussion of the submarine question.

The chairman remarked that as the information necessary would soon be available and as the conference now had its attention focused on the naval question, to break away from this and return to far-eastern questions would interrupt proceedings and cause an unfortunate delay. While not wishing in any way to hurry his colleagues, and while, of course, there should be a full opportunity for consultation and consideration, it would seem that the committee should meet again promptly in order to make progress. He, therefore, merely wished to inquire whether it would be more convenient to meet that afternoon or the following morning.

That afternoon at 3 o'clock was the time agreed upon.

The chairman suggested that the communiqué should state that the progress already made in the subcommittee had been reported to this committee, which had then discussed the matter and adjourned to continue the discussion that afternoon at 3 o'clock.

The meeting adjourned at 12.45 p. m. until December 22, 1921, 3 p. m.

## FIFTH MEETING, THURSDAY, DECEMBER 22, 1921, 3 P. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright and Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Flint.

*France.*—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Oden'hal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

*Japan.*—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi and Commander Hori.

The secretary general, assisted by Mr. Paul and Mr. Osborne. Interpreter, Mr. Camerlynck.

1. The fifth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building at 3 p. m. Thursday, December 22, 1921.

2. The following were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and advisers present included: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Flint; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi, Commander Hori. The secretary general, accompanied by Mr. Paul and Mr. Osborne, was present. Mr. Camerlynck was present as interpreter.

4. The chairman, Mr. Hughes, announced that the committee was ready to continue the discussion begun at the morning's session.

Lord Lee said that, as he understood it, the present position was one of agreement between the five powers in regard to the ratio of capital ships, but that all the powers were equally uncommitted on the subject of submarines, small craft, and auxiliaries. Hence he agreed with Admiral de Bon that it was justifiable to begin by clearing up the question of principle as to the future of submarines. To the British Empire the question of submarines was one of transcendent importance. He therefore regretted that any difference

of opinion should have arisen on the subject and that submarines should have become the only question on which the British delegation was out of sympathy with the American proposals, and, perhaps, also with the views of France and other powers. He felt, therefore, that it was incumbent upon him to explain and justify British opinion. He wished to present as few figures as possible, but he felt it was necessary to mention the following as the basis of his statement. The figures as regards submarines were as follows:

	Existing tonnage.	The American proposals.	Amount of new building permitted under the American proposals.
The United States of America.....	83,500	90,000	6,500
Great Britain.....	80,500	90,000	9,500
Japan.....	32,200	54,000	21,800
France.....	28,380	(1)	(1)
Italy.....	18,250	(1)	(1)

<sup>1</sup> In proportion.

He felt bound to say that it seemed to him very strange to put before a Conference on the Limitation of Naval Armaments proposals designed to foster and increase the type of war vessels which, according to the British view, was open to far more objection than surface capital ships. Moreover, it would be a certain consequence, if submarines were retained, that the powers which possessed large mercantile marines would be compelled to increase the numbers of their antisubmarine craft. This would give but little relief to the overburdened taxpayer and would provide scant comfort to those who wished to abolish war and to make it less inhumane.

The view of the British Government and the British Empire delegation was that what was required was not merely restriction on submarines, but their total and final abolition. In explaining the position he wished to make it clear that the British Empire delegation had no unworthy or selfish motives. He would first like to reply in advance, since this might be his only opportunity of doing so, to the arguments of the friends of the submarine. He understood their first contention to be that the submarine was the legitimate weapon of the weaker powers and was an effective and economical means of defense for an extensive coast line and for maritime communications. Both these standpoints could be contested on technical grounds and, as he would show, were clearly disproved by recent history. If some weak country possessed an exposed coast line, it would, of course, desire to defend it against bombardment or the disembarkation of a military force.

It was necessary to ask, therefore, how such attacks were conducted in modern warfare. The reply was that they were conducted by powerfully armed, swift-moving vessels, fully equipped to resist submarine attack, and to escort and protect the convoys of military transports. There was no branch of naval research which had more closely engaged the attention of experts than the counter offensive against the submarine. He was giving away no secrets when he

stated that the methods of detection, of location, as well as of destruction of submarines had progressed so much further than the offensive power of the submarines themselves that the latter had now already a reduced value against modern surface warships. This, however, was bringing him into somewhat technical subjects. During the late war Germany had concentrated her naval effort on the production and use of U-boats and had built up the most formidable submarine fleet that the world had ever seen before or since. He believed that Germany had employed, in all, no less than 375 U-boats of 270,000 tons in the aggregate. Of these, no less than 203 had been sunk. What had these U-boats accomplished in legitimate naval warfare? It was almost insignificant. In the early part of the war a few obsolescent ships, which sometimes were not taking proper precautions, had been sunk, but the British Grand Fleet throughout the war had not been affected; not one single ship had been sunk or hit by the action of submarines, whether at sea or in harbor. Its surface squadrons had swept through all parts of the North Sea, and wherever the sea had been clear of mine fields had gone where they wished, undeterred by the submarine. Submarines had not prevented the passage of troops across the sea. No less than 15,000,000 British troops had crossed and recrossed the English Channel during the war, and not one man had been lost from the action of submarines except on board hospital ships, which in the twentieth century it had been deemed would be immune from the attacks of submarines and therefore had not been escorted.

During the latter part of the war some 2,000,000 United States troops had been brought across the Atlantic, and the submarine had proved equally powerless to prevent them. In fact, the U-boat, whether considered as an offensive or defensive weapon, against any sort of organized naval force had proved almost contemptible.

It had been maintained that submarines were useful for the defense of coast lines and communications with colonies. He gathered from the press that this was one of the arguments used, and so it would have to be examined. If the argument was sound, and if submarines were essential for this purpose, there was no country which would need them so much as the British Empire, which possessed a coast line which, without wishing to boast, he believed was almost as large as that of all the four other powers present at this conference put together, and the length of which was four times the circumference of the globe, and which in addition had the longest trade routes of any country to protect. It was partly because experience had shown that they were not effective for this purpose that the British were ready to abandon submarines. The late war had made it abundantly clear that the greatest peril to maritime communications was the submarine, and that peril was specially great to a country which did not possess command of the sea on the surface. Hence, it was to the interest of any such power to get rid of this terrible menace. And in this connection it must be remembered that the submarine was of no value as a defense against submarines. It was against merchant ships alone that they achieved real success.

It would be as well to recall what the German submarine fleet had accomplished against mercantile marines. No less than 12,000,000 tons of shipping had been sunk, of a value of \$1,100,000,000, apart from their cargoes. Over 20,000 noncombatants, men, women, and

children, had been drowned. It was true that this action had been undertaken in violation of all laws, both human and divine. The German excuse for it had been its effectiveness. They had used the same argument in the case of poison gas, which had set a precedent for unscrupulous nations, which appeared likely to endure for all time now that nations had been driven to resort to it. The menace of the submarine could only be got rid of by its total banishment from the sea. That was the intention of the treaty of Versailles, which had forbidden Germany to construct submarines, whether for military or mercantile purposes. Was it to be assumed, Lord Lee continued, that Germany was always to be bad and the other powers were always to be good? Was there to be one rule for Germany and another rule for the rest of the world? In saying this he was not casting any reflection on any nation, and least of all on the officers and men of the submarine fleets. These men were the pick of their service, gallant and high-minded men, but they were obliged to obey orders; and experience had shown that occasionally governments could go mad. The view of the British Empire delegation, therefore, was that the only proper course was the abolition of submarines. Their limitation was not sufficient. Another objection to limitation was that a submarine fleet could so very rapidly be expanded in time of war. Submarines could only be built if the industry were kept alive, and a personnel could only be provided if a trained nucleus existed. Hence it was only by means of abolition that this menace to the mercantile marine of the world could be got rid of. He had said earlier in his remarks that the British delegation were animated by no selfish motives. At the same time it would be foolish not to recognize that Great Britain was the nation most exposed to the menace of the submarine. So long as submarine warfare continued, it would be the greatest menace to the food supplies on which that country was dependent.

The British people lived in a crowded island whose soil only produced two-fifths of its supply of food. For the remaining three-fifths they relied upon sea communications. On an average only seven weeks' stocks were maintained in the country. By far the greatest anxiety which the British Government had felt during the war was to prevent the reserves of food falling to zero. Was it surprising, therefore, if, with a danger in front of them as great as any to which Mr. Briand had so eloquently explained France was subject, the British people protested against a weapon which was the negation of humanity, chivalry, and civilization itself? There were some people who said it was this vulnerability of Great Britain which justified the retention of the submarine, since it was by these means alone that the British Empire could be stricken down. The late war had shown, however, that the British Empire was not easily stricken down, and, if war should ever come again, he imagined that means would be found for Great Britain to save itself from starvation. But, it might be claimed, if the U-boat had begun its operations earlier or had had better luck, the result might have been different. To this he would reply that the British Navy had constituted the keystone of the allied arch; but for the British Navy France would have been ruined, Belgium and Holland would have been overrun, and even the United States of America, self-contained, self-supporting, with all its vast resources would have been impotent to intervene



and might have had to abandon its Army and all that it had in France, or else to make a humiliating peace.

That would not have been a disaster to Great Britain alone. That was why he resented the idea, which had been published in a part of the press, that the British plea for the abolition of submarines was merely a selfish and unworthy design. It had been suggested that the conditions of the late war might never recur. Could France be so sure of this? Could France run the risk of a disaster to her near neighbor, and only certain ally, if the situation of 1914 were ever reproduced? It was necessary to take long views in this matter, and the British Empire delegation believed that they were fighting the battle, not only of the allied and associated powers, but of the whole civilized world in advocating the abolition of the submarine.

He felt sure that some one would ask, How can we feel sure that, if we abolish submarines, other powers who are not represented here will not proceed with the building of submarines? The same question might be asked as to the other classes of craft mentioned in the American scheme. He found it impossible to believe that other powers would set themselves against the opinion of the rest of the civilized world regarding this particular weapon. If, however, the great naval powers should at some future date find themselves exposed to piracy by the action of some smaller power, surely they would find the means of bringing Nemesis to the transgressor. World opinion was a very powerful weapon, and certainly some means would be found by which the great naval powers could protect themselves if necessary. It was said that submarines were a cheap method of warfare. Surely this conference did not desire to make war cheap? When war had been cheap it had been almost continuous. He hoped the submarine would not be defended because it would be a weapon within the reach of all. It might perhaps be cheap for the aggressor, but it was not so for the victim.

The average number of German submarines operating at any one time on the Atlantic approaches to France and Great Britain during the late war had not been more than nine or ten, but Great Britain had had to maintain an average of no less than 3,000 anti-submarine surface craft in order to deal with these. It could be seen, therefore, that it was a very expensive form of war for the defender. The British Empire delegation were anxious to contribute toward the ideals of the present conference. They desired not only a limitation of armaments but also a limitation of expenditures, which constituted so great a burden in time of peace. That was why Great Britain, which had the tradition of possessing the greatest navy, had welcomed the proposals for curbing capital ships. What would be gained, however, if this competition were merely transferred to submarines? Certainly not much, and meanwhile the submarine threatened Great Britain's very life and existence. But, if the submarine were abolished, the British Empire delegation could accept, with modifications in detail, practically the whole of the American proposals in regard to the lightening of these burdens.

Lord Lee said he was not impressed with the argument that because it was found impossible to deal effectively with poison gas or air bombs, which were by-products of essential industries, it would be impossible to deal with the submarine. The submarine was not a by-product of any industry, but was essentially an offensive weapon.

He, therefore, said that it could be, and ought to be, abolished. It was a weapon of murder and piracy, involving the drowning of noncombatants. It had been used to sink passenger ships, cargo ships, and even hospital ships. Technically the submarine was so constructed that it could not be utilized to rescue even women and children from sinking ships. That was why he hoped that the conference would not give it a new lease of life.

He had endeavored to prove that the submarine was only to a limited extent a weapon of defense, that for offense it was only really valuable when used against merchant ships, and that it constituted the greatest peril to which the mercantile marine of the world was exposed. For defense he did not say it was wholly useless, but merely inefficient, and that its disadvantages greatly exceeded its advantages except for war on the mercantile marine. The submarine was the only class of vessel for which the conference was asked to give—he would not say a license, but permission to thrive and multiply. It would be a great disappointment if the British Empire delegation failed to persuade the conference to get rid of this weapon, which involved so much evil to peoples who live on or by the sea.

To show the earnestness of the British Government in this matter. Lord Lee pointed out that Great Britain possessed the largest and probably the most efficient submarine navy in the world, composed of 100 vessels of 80,000 tons. She was prepared to scrap the whole of this great fleet, to disband the personnel, provided the other powers would do the same. That was the British offer to the world, and he believed it was a greater contribution to the cause of humanity than even the limitation of capital ships.

However, it was useless to be blind to the facts of the position, and he hardly hoped to carry with him all the powers present at that table, though he believed that in the end all civilized powers would come round to the British point of view. In any event, the British Empire delegation did not intend that the settlement in regard to capital ships should be affected if they failed to carry their point in regard to the abolition of submarines. Should he fail to convince his colleagues he would nevertheless welcome any suggestions for the reduction and restriction of submarines which they might like to make, and, in particular, he would await with the greatest interest the proposals of his French colleagues, which had been promised earlier in the day.

The chairman said that he did not intend then to comment upon the very able and powerful argument of Lord Lee, to which the members of the committee had had the privilege of listening, but he merely wished to interpolate a statement giving the figures supplied by the American naval experts and upon which the American proposal was based, concerning the submarine tonnage built and building, since these figures did not appear to coincide with those referred to by Lord Lee. According to the American figures, this tonnage was as follows:

	Tons.
United States.....	95,000
Great Britain.....	82,464
France.....	42,850
Italy.....	20,228
Japan.....	31,400

The United States had, therefore, 95,000 tons, which it was prepared to reduce. The reduction was slight. But it was a reduction. It was, of course, not the intention to increase, but to reduce.

Lord Lee said that he regretted if any of the figures he had given had been inaccurate.

Mr. Sarraut said the British Government had shown clearly its views regarding submarines; he then read the following declaration of the views of the French Government:

"The French Government has already set forth its views with regard to the question of submarines, first, during the discussions preliminary to the treaty of Versailles, and also before the League of Nations, when the representative of the British Government opposed the granting of submarines to the small Baltic powers. In both of these instances the point of view favoring the inclusion of submarines in the naval forces of States met with the almost unanimous approval of the various Governments represented.

"France believes that the submarine is the only weapon which at present permits a nation scantily supplied with capital ships to defend itself at sea. For France, therefore, the submarine is an essential means of preserving her independence which she can not give up, especially in view of the sacrifices to which she has been asked to consent in the matter of capital ships. Moreover, in the present state of the development of naval science, the submarine can not suffice to assure the control of the seas to a belligerent, even if that belligerent possesses a great superiority in submarines. It is not, therefore, a weapon making for supremacy.

"The French Government believes that every method of warfare may or may not be employed in conformity with the laws of war, and that the inhuman and barbarous use made of the submarine by a belligerent in the late war is a reason for condemning that belligerent, but not for condemning the submarine.

"As submarines are particularly subject to withdrawal from service in war time, the restriction within a certain limit of the total tonnage of these vessels which a maritime nation may build would have, to a lesser degree, the same effect as their total abolition, and should be declined for the same reasons.

"The French Government has already stated that it can not accept an agreement based on the principle that the total tonnage of submarines which a nation may build should be in direct proportion to the capital ship tonnage of that nation. In its opinion, the contrary point of view is the rational one, since a nation would be deprived of the protection which would be afforded her by capital ships.

"The French Government believes that it is possible to reconcile the use of submarines with the laws of humanity. From this point of view, large submarines have the advantage of being able to rescue the crews of torpedoed vessels or to furnish prize crews to captured vessels.

"The French Government is obliged to assume eventually the defense of its numerous colonies, some of which are far distant from the mother country. In view of this fact, and also in order to safeguard its lines of communication with the colonies, it must possess submarines with a very large cruising radius, and consequently with appropriate dimensions.

"For these reasons the French Government can not consent to accept either the abolition of submarines or a reduction of the total tonnage of submarines which it considers to be the irreducible minimum necessary to assure the safety of the territories for which it is responsible, or a limitation of the individual tonnage of submarines."

Senator Schanzer said he had listened with the greatest attention and sympathy to Lord Lee's important speech.

In the name of the Italian delegation he wished to declare his great sympathy with anything that could make war less inhuman.

The Italian delegate in the subcommittee for poison gas, in this same conference, had proposed the abolition of the use of poison gas in warfare. The submarine question was mainly one of a technical nature. Lord Lee had asserted that submarines were not an efficient means of defense. The Italian naval experts did not share this opinion. They thought that the submarine was still an indispensable weapon for the defense of the Italian coasts, which had a very great extent and along which some of the largest cities, the principal railways, and a number of the most important industrial establishments were situated. The Italian naval experts were furthermore of the opinion that submarines were necessary to protect the lines of communication of their country, which for the greater part depended upon the sea for its supplies. The Italian delegation was not ready at that time to resolve these questions of a technical character.

Senator Schanzer ventured to observe, moreover, that the Italian delegation did not think this conference, in which only five powers were represented, could settle the question of submarines which concerned many other powers not represented here. For these reasons, and in spite of its appreciation of the humanitarian arguments brought forward by Lord Lee, the Italian delegation were not in a position at the present time to associate themselves with the proposal for the abolition of submarines and were not authorized to do so.

Mr. Hanihara said that he had listened with great interest to the able and highly instructive and impressive argument of Lord Lee for the abolition of submarines. The Japanese delegation yielded to none in condemning such atrocious and lawless use of submarines as was resorted to by Germany in the late war. They believed that the sinking of merchant vessels without proper warning had no justification whatever, and they felt called upon to insist on such international rules as would effectively prevent the future recurrence of similar barbarious acts from submarines. Such was the conviction of the Japanese delegation.

However, as legitimate defensive weapons, submarines did not, in the opinion of the Japanese delegation, materially differ from destroyers. The popular idea was that submarines menaced and sank peaceful merchant marines without warning; their legitimate uses were apparently lost sight of. Submarines in their legitimate employment were no more atrocious than poison gas or air bombs. Moreover, when employed as a means of coast defense, submarines were like movable mines and thus constituted an effective defensive weapon. Of course, the unrestricted use of mines against merchant ships in the open sea would be as dangerous as the sinking of ships without warning by submarines.

Mr. Hanikava said he thought it was clear from these observations that submarines could not be considered as an illegitimate weapon. Any weapon might become illegitimate if used without restriction. For the protection of an insular nation like Japan submarines were relatively inexpensive and yet effective; but the Japanese delegation would insist, at the same time, upon more vigorous international rules governing their proper uses. The recurrence of cruelties committed by submarines during the recent war should by all means be avoided.

The chairman observed that, as had been indicated by the remarks of the delegates, he thought that all could not fail to be deeply impressed by the statement of Lord Lee, supported as it was by the very definite statement of facts as to the use of submarines. He thought that one clear and definite point of view emerged on which all were agreed, namely, that there was no disposition to tolerate on any plea of necessity the illegal use of the submarine as practiced in the late war and that there should be no difficulty in preparing and announcing to the world a statement of the intention of the nations represented at the conference that submarines must observe the well-established principles of international law regarding visit and search in attacks on merchant ships. Much could be done in clarifying this position and in defining what uses of submarines were considered contrary to humanity and to the well-defined principles of international law. The recommendation might go further not only regarding what were conceived to be the rules regarding use of submarines but also what the limitations upon their use should be.

The chairman understood that the crux of the controversy was as to the use of the submarine as a weapon of defense. Lord Lee had said that it was of little value as such and hence that its continued use should not be tolerated. Lord Lee had pointed out that there were only five nations present. The chairman could not agree, however, that these were in the same position regarding submarines as they were regarding capital ships, since in the matter of capital ships they represented the potency of competition, whereas when dealing with submarines—a more cheaply made weapon—they were dealing with what other nations could produce, if they chose. Even if they were ready to adopt the principle suggested by the British delegation they would still have to await the adherence of other nations.

Upon the question whether the submarine was of value for defense, each nation must take the opinion of its naval experts. Indications of differences of opinion had already been manifested. He would not at this time make any announcement of the position of the United States, except to add to the expressions of detestation of the abuse of the submarine and of the methods—the illegal methods, as they have been continually called—of their employment during the war.

He wished, however, to read a report. The President had appointed an Advisory Committee to aid the American delegation. The members of that committee were gathered together, men and women, from all fields of activity, from all parts of the country, and represented every shade of public opinion. That committee

had considered this subject and the subcommittee to which it was referred was headed by a distinguished admiral of the American Navy. The report was debated in full committee and was unanimously adopted—even by those who were prepossessed against the submarine. He read this report, not as an opinion of the American Government but as a report of the Advisory Committee, which was created in order that the American delegates might be advised as to public opinion.

The chairman then read the following report on submarines adopted by the Advisory Committee of the American delegation on December 1, 1921:

"In the recent World War the submarine was used in four general ways:

"(a) Unlimited use against both enemy and neutral noncombatant merchant vessels.

"(b) Use against enemy combatant vessels.

"(c) Use as mine planters.

"(d) Use as scouts.

"Whatever is said about unlimited warfare by submarines is also true of unlimited warfare by surface craft, provided the combatant wishes to violate the rules of war. The confederate cruisers destroyed all property but not lives. The English expected the Germans in the latter part of the World War to use surface craft for unlimited warfare and had provided means to offset this. However, the Germans with one exception were unable to get out of the North Sea. The *Moewe*, a surface ship, sank almost all merchantmen that she came into contact with, saving the lives of the crews. So that unlimited warfare is not necessarily an attribute of the submarine alone.

"*Submarines against commerce.*—The unlimited use of submarines by Germany against commerce brought down upon her the wrath of the world, solidified it against the common enemy, and was undoubtedly the popular cause of the United States entering the World War.

"The rules of maritime warfare require a naval vessel desiring to investigate a merchant ship first to warn her by firing a shot across her bow, or in other ways, and then proceed with the examination of her character, make the decision in regard to her seizure, place a prize crew on her and, except under certain exceptionable circumstances, bring her into port, where she may be condemned by a prize court.

"The rules of procedure (1917) as laid down for United States naval vessels when exercising the right of visit and search make no exception in favor of the submarine. In the early part of the World War the German submarines exercised this right of visit and search in the same manner as surface vessels. When sunk, the papers and crew of merchant ships so visited were saved. Later, when the cases came up in a German prize court sitting on appeal at Berlin, the responsibility of the German Government was often acknowledged and indemnities paid. When unlimited submarine warfare commenced, in some cases where necessary evidence was produced by the owners making claim in the prize court, the court decided that

the matter was outside the pale of the prize regulations, though it did not deny the justice of the claim.

"Assuming that a merchant ship may be halted by a submarine in a legitimate fashion, it becomes difficult because of limited personnel for the submarine to complete the inspection, place a prize crew on board, and bring her into port. It is also difficult for her to take the passengers and crew of a large prize on board should circumstances warrant sinking the vessel. However, these remarks are applicable to small surface crafts as well.

"During the World War, on account of the vulnerability of the submarine and on account of the probability of its sinking the vessels it captured, the tendency was for all merchant ships (including neutrals) to arm themselves against the submarine. Such action greatly hampers the activity of the submarines and tends toward illegal acts both by the merchant vessels and by the submarines. In other words, the general tendency of submarine warfare against commerce, even though starting according to accepted rules, was sharply toward warfare unlimited by international law or any humanitarian rules. This was because the vulnerability of the submarine led the Germans to assume and declare she was entitled to special exemptions from the accepted rules of warfare governing surface craft. The merchant ship sank the submarine if it came near enough; the submarine sought and destroyed the merchant ship without even a knowledge of nationality or guilt.

"Submarines were largely responsible for the extensive arming of merchant vessels, neutral and belligerent, during the World War. The average merchant vessel could not hope to arm effectively against enemy surface combatant vessels and as a rule submits to visit and search without resistance. Prospects of saving the ship and certainty of safety to personnel have caused them to accept as the lesser risk the visit of belligerent surface vessels. When, however, as in the World War, they met a belligerent submarine, with a strong probability of being sunk by that submarine, the law of self-preservation operated, and the merchant ship resisted by every means in its power. Defensive armament was almost sure to be used offensively in an attempt to strike a first blow. The next step was for each to endeavor to sink the other on sight.

"War on commerce by surface combatant craft causes change of ownership of merchant vessels only, provided the surface craft does not sink these ships, but these merchant vessels for the most part remain in service; they are not destroyed. The world does not lose them. The object of war on commerce is not to destroy shipping but to deprive the enemy of its use. Submarine warfare on commerce, if unlimited in character, injures the enemy and greatly injures the world as well. The world is so highly organized and so dependent on ocean transportation that shipping is essential to livelihood; without it vast populations would starve.

"At present when war breaks out belligerent vessels tend to transfer to neutral flags and also to fly false flags. This hampers lawful warfare by submarines, as owing to their great difficulty in making the proper visit and search, it is thus impossible for them to prevent belligerent commerce from going forward.

"The net results of unlimited submarine warfare in the World War were (a) flagrant violations of international law, (b) destruc-

tion of an enormous amount of wealth, (c) unnecessary loss of many innocent lives, and (d) to draw into the war many neutrals.

"Unlimited submarine warfare should be outlawed. Laws should be drawn up prescribing the methods of procedure of submarines against merchant vessels both neutral and belligerent. These rules should accord with the rules observed by surface craft. Laws should also be made which prohibit the use of false flags and offensive arming of merchant vessels. The use of false flags has already ceased in land warfare. No one can prevent an enemy from running 'amuck,' but immediately he does he outlaws himself and invites sure defeat by bringing down the wrath of the world upon his head. If the submarine is required to operate under the same rule as combatant surface vessels, no objection can be raised as to its use against merchant vessels. The individual captains of submarines are no more likely to violate instructions from their Government upon this point than are captains of any other type of ship acting independently.

*"Submarines against combatant ships.*—Against enemy men-of-war the submarine may be likened to the advance guard on land, which hides in a tree or uses underbrush to conceal itself. If the infantry in its advance encounters an ambush, it suffers greatly, even if it is not totally annihilated. However, an ambush is entirely legitimate. In the same fashion a submarine strikes the advancing enemy from concealment, and no nation cries out against this form of attack as illegal. Its navy simply becomes more vigilant, moves faster, and uses its surface scouts to protect itself.

"The submarine carries the same weapons as surface vessels; i. e., torpedoes, mines, and guns. There is no prohibition of their use on surface craft and there can be none on submarines. Submarines are particularly well adapted to use mines and torpedoes. They can approach to the desired spot without being seen, lay their mines or discharge their torpedoes, and make their escape.

"The best defense against them is eternal vigilance and high speed. This causes added fatigue to the personnel and greater wear to the machinery. The continual menace of submarines in the vicinity may so wear down a fleet that when it meets the enemy it will be so exhausted as to make its defeat a simple matter.

"The submarine as a man-of-war has a very vital part to play. It has come to stay. It may strike without warning against combatant vessels, as surface ships may do also, but it must be required to observe the prescribed rules of surface craft when opposing merchantmen as at other times.

*"The submarine as a scout.*—As a scout the submarine has great possibilities. It is the one type of vessel able to proceed unsupported into distant enemy waters and maintain itself to observe and report enemy movements. At present its principal handicaps are poor habitability and lack of radio power to transmit its information. However, these may be overcome in some degree in the future. Here, again, the submarine has come to stay—it has great value, a legitimate use, and no nation can decry its employment in this fashion."

Then followed a statement of the proposal of the United States for limitation of naval armament so far as submarines are concerned, as made at the opening session of the conference.



The report then continued:

"A nation possessing a great merchant marine, protected by a strong surface navy, naturally does not desire the added threat of submarine warfare brought against it. This is particularly the case if that nation gains its livelihood through overseas commerce. If the surface navy of such a nation were required to leave its home waters, it would be greatly to its advantage if the submarine threat were removed. This could be accomplished by limiting the size of the submarine so that it would be restricted to defensive operation in its own home waters. On the other hand, if a nation has not a large merchant marine, but is dependent upon sea-borne commerce from territory close aboard, it would be necessary to carry war to her. It would be very natural for that nation to desire a large submarine force to protect the approaches on the sea and to attack troop transports, supply ships, etc., of the enemy. Control of the surface of the sea only by the attacking power would not eliminate it from constant exposure and loss by submarine attacks.

"The United States would never desire its Navy to undertake unlimited submarine warfare. In fact, the spirit of fair play of the people would bring about the downfall of the administration which attempted to sanction its use. However, submarines acting legitimately from bases in our distant possessions would harass and greatly disturb an enemy attempting operations against them. They might even delay the fall of these possessions until our fleet could assemble and commence major operations.

"It will be impossible for our fleet to protect our two long coast lines properly at all times. Submarines located at bases along both coasts will be useful as scouts and to attack any enemy who should desire to make raids on exposed positions.

"The submarine is particularly an instrument of weak naval powers. The business of the world is carried on upon the surface of the sea. Any navy which is dominant on the surface prefers to rely on that superiority, while navies comparatively weak may but threaten that dominance by developing a new form of attack to attain success through surprise. Hence submarines have offered and secured advantages until the method of successful counter-attack has been developed.

"The United States Navy lacks a proper number of cruisers. The few we have would be unable to cover the necessary area to obtain information. Submarines could greatly assist them, as they can not be driven in by enemy scouts.

"The cost per annum of maintaining 100,000 tons of submarines fully manned and ready is about \$30,000,000. For the work which will be required of them in an emergency this cost is small when taken in connection with the entire Navy. The retention of a large submarine force may at some future time result in the United States holding its outlying possessions. If these colonies once fall, the expenditure of men necessary to recapture them will be tremendous, and may result in a drawn war, which would really be a United States defeat. The United States needs a large submarine force to protect its interests.

"The committee is therefore of the opinion that unlimited warfare by submarines on commerce should be outlawed. The right of visit and search must be exercised by submarines under the same

rules as for surface vessels. It does not approve limitation in size of submarines."

The chairman stated that he had deemed it his duty to read the foregoing report, which, as he had already said, represented the views of the Advisory Committee that had been created by the President for the very purpose of giving to the American delegation such aid. The American delegation would most carefully consider the able address of Lord Lee and would consult the American naval experts.

Mr. Sarraut said that he thought that the very interesting discussion to which the committee had been listening might well be postponed until the next day. Lord Lee had set forth the British views on the submarine question; he (Mr. Sarraut) had replied by outlining the divergent French views, and the chairman had presented the American thesis in an interesting and voluminous document. He could testify to the profound interest aroused among the French delegation by Lord Lee's speech and to the force of his arguments, which, if not convincing, were highly impressive. He (Mr. Sarraut) and his colleagues felt that the best tribute which they could pay to Lord Lee's able address would be to reply to it in detail. He requested, therefore, that time might be given to prepare this reply and also secure a translation of the document presented by the chairman, and that the meeting be adjourned until Friday afternoon.

The chairman asked what was the pleasure of the committee in this matter.

Mr. Balfour said that he placed himself in the chairman's hands.

After some discussion it was agreed to meet Friday afternoon, December 23, 1921, at 3 p. m., and that the statement to the press should embody such portions of the remarks made at the present sessions as the respective delegates should communicate to the secretary general.

The meeting then adjourned until December 23, 1921, 3 p. m.

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#### SIXTH MEETING—FRIDAY, DECEMBER 23, 1921, 3 P. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley.

*France.*—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Cesesia di Vegliasco.

*Japan.*—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson.

Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The sixth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan-American Union Building at 3 p. m., December 23, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman, Mr. Hughes, suggested that the discussion should continue from the point where it had stopped the day before.

Admiral de Bon said that he desired in the first place to make a statement for the sake of accuracy. In the course of yesterday's session different estimates of the French submarine tonnage were given by Mr. Hughes and Lord Lee. This difference seemed to him to arise in part from the fact that in one case the tonnage was estimated on submerged submarines and in the other on ships on the surface.

France possesses at the present time 50 submarines representing a tonnage of 31,391 tons if estimated afloat and of 42,949 tons if estimated when submerged. These figures did not include the 12 submarines whose construction had been authorized by Parliament and for which contracts had been made.

Admiral de Bon then read the following statement:

"The conference entered yesterday upon the consideration of the question of abolishing submarines. It had listened to a remarkable statement and defense of the British point of view by Lord Lee of Fareham. The argument presented is very complete and very logical, and it may be said that it supports the view favoring abolition of the submarine with the most forcible arguments that can be brought to bear upon this side of the question.

"Another consideration of this particularly remarkable and important question was read by Chairman Hughes, and even if he had not had the kindness to enlighten the conference upon the distinguished personality of the members of the advisory committee,

the incontestable value of their arguments would have signalized their exceptional ability.

"The conclusion of this dissertation is the reverse of the view advocated by the Hon. Lord Lee of Fareham and is in favor of the preservation of the submarine.

"The two declarations that have been made have brought to light about all the arguments that can be advanced. Accordingly, it would seem as if the debate might almost be regarded as exhausted if we did not have certain differences of opinion regarding the various arguments which it would seem desirable to present to the conference.

"I ask permission to review them briefly before you.

"In the first place, it has been denied that the submarine was really an efficient weapon, and this is an essential consideration, since, if this were admitted, it is obvious that there would be almost no reason for building submarines.

"The submarine as a weapon against warships can not be considered useless. If it is, indeed, true that the Great Fleet was able to remain at sea during several months in the midst of the submarines without any of its ships being hit, it should be remembered that France lost three battleships and five cruisers and had several other ships torpedoed, 130,000 tons in all. To this list I can add a certain number of battleships lost by Great Britain and by Italy.

"Finally, the offensive action of the submarines has necessitated the construction of a considerable defensive system, and this certainly had an influence toward weakening the general forces of the nations engaged.

"As a means of defense the submarine has not been found useless. It can not, I think, be denied that if Germany maintained her coast intact it was not solely because of the barrier of mines with which she protected it. This could have been crossed by any force suitably provided with mine sweepers if a force of submarines, supplementary to the mine defenses, had not rendered the approach to them really dangerous.

"In the Adriatic the submarine also formed one of the most powerful means of action for the enemy.

"In the Dardanelles the Allies felt the effect of the use of submarines not only during the major actions but also throughout the long months during which they remained holding tight to the point of Gallipoli Peninsula. The bombardments which the Allies were led to make against the Turkish position were always considerably hindered by the measures for protecting their ships which they were compelled to take on account of the presence or threat of submarines in those waters. The Allies had, moreover, paid for their efforts with the loss of several ships.

"In fighting warships the submarine can be employed as a scout, or rather as an observation post.

"Everyone knows the great extent to which the submarine lends itself in wireless communications. It is obvious that this observation post, so difficult to detect, can approach very near to the enemy, watch his operations, and carry either to the fleet which it is conveying or to its governing authority information which can not otherwise be obtained, especially for navies which have no powerful surface craft at their disposal.

"In a word, in our opinion, the submarine has proven its worth as a means of attack against warships as well as in the protection of coasts.

"The submarine has shown itself especially efficient against the merchant marine.

"I need not recall the very considerable results obtained in the submarine warfare waged by Germany against the commercial fleets of the world. The mind can not return without horror to this subject which has struck terror to all peoples.

"But what causes this terror is not the fact that the German submarines attacked the merchant vessels of their enemies, but that they did not respect either the neutral flag or steamers loaded with nonbelligerents, or even the transports for the wounded which should have been protected by the Red Cross flag, which flag, however, even on land, they often saw fit to violate. It has always been admissible to attack the enemy's merchant marine, and it will, I think, always seem legitimate to do so. In fact, it is one of the most effective means of seriously crippling one's adversary.

"If, taking an extreme case, one might consider it possible to bring one's adversary to the point of yielding, by this process, would it not be less cruel and less wasteful of human life than military operations which would arrive at the same result by direct application of force?

"One may protest against this interpretation, but it is the result of the blockade, which is a legitimate practice, and its effects are not peculiar to submarines.

"I understand quite well that if this kind of war is allowed, it should be confined within certain limits to prevent it from violating the laws of humanity. That is the precise point on which the charge that all have agreed in bringing without mercy against the Germans is based. But the accusation is brought against the men and not against the instrument that they made use of.

"In order to impart to the war which they had decided on the horrible character which they thought would cause our energies to yield, the Germans simply sank the boats which they stopped. You will recall that at the beginning of the submarine campaign, the Germans aimed above all to inspire terror and expected to obtain from it a moral effect on which they based their hopes. In fact, nobody can have forgotten the propaganda launched at the beginning of 1915 with all the mighty and wily means of German propaganda. It aimed almost exclusively at a moral effect. It was only later on that they took into consideration the material results which could be surely secured by submarine attacks against commercial fleets and that they enlarged progressively their acts of piracy.

"If it is undeniable that Germany made a frightful and astonishing misuse of the submarine against commercial fleets, can one contend that it would have been impossible for her to act otherwise?

"Moreover, did not the Germans misuse, and to excess, practically all their other weapons?

"In the first place, one can not deny that they could have avoided attacks against neutral ships, and could have refrained from torpedoing passenger ships without warning, especially hospital ships.

"The success of their fight might have been materially lessened, but they would certainly have gained from a moral viewpoint and

the German submarines would not have lost the respect of the civilized world.

"And then is it not permissible to think that war against enemy merchant ships could have been waged differently? Suppose, for instance, that in meeting a merchant ship a submarine advised her that she would be destroyed as soon as security for the crew was assured, either by proximity to the shore or by means of relief. It could prescribe a route to the ship and bring it to a safe place where it would sink it after having removed the crew.

"That is merely a supposition and I will not attempt here to formulate a doctrine, but you will find in it a thought similar to that which guided the sailors of other days when they were making a prize and taking it to port or until it had been taken from them by the enemy.

"It may be said that the submarine would be exposed to great risks, but were not the frigates and the corsairs of other days exposed to great risks in similar operations? How many of them had perished either in the defense of their capture or because they had been unable to escape the attacks of their enemies in the course of the voyage?

"Certainly the fruits of submarine warfare would have been smaller if they had been obliged to confine themselves to the limits of honorable warfare, but it is impossible to claim that there would have been none.

"I know very well that to sink a ship even while saving the lives of those on board is a questionable act and may be inadmissible. This is a question of law which ought to be settled by confining such action to cases of absolute necessity.

"In passing I would call your attention to the fact that the cruel use to which the Germans put their submarines was not confined to this type of vessels. They seized merchant vessels, and, in order to turn them into cruisers, immediately armed them, keeping their crews on board and thus forcing them to take part in naval engagements, a practice which while less inhuman than that inflicted on the crews that were abandoned on the high seas was nevertheless indefensible.

"It follows from this that the activities of submarines against merchant vessels should be confined within limits that would render their use legitimate. A proper set of rules ought to be drawn up with this object in view. They should be adopted whenever a revision of the rules for applying international law, not only with regard to submarines but to all life at sea in time of war, was undertaken.

"Submarine activity against the enemy's merchant fleet might be very effective. We have not been able to listen without great emotion as Lord Lee recalled the hours of anguish that all those who had held the guidance of affairs during the war had known and lived through when Great Britain, together at time with France, was threatened with being deprived of the supplies which were indispensable not merely for continuing the struggle but to keep the nation alive.

"This is the consecration of the power of the submarine when exerted to the full extent of its destructive possibilities, without

regard for the limits imposed by the most rudimentary principles of humanity and respect for international law. Submarine activity against enemy transports and convoys, within the limits fixed by these considerations which should remain sacred to honorable opponents, can still be of great importance. It can be included among the legitimate methods of warfare as a useful factor, especially for nations which have not a powerful navy.

"In this connection another consideration occurs to me. It is said that the submarine can never be kept from bursting through the moral barrier which ought to limit its activities. It will always yield to the temptation to make unrestricted use of all its powers. Lord Lee has kindly paid the submarine officers and crews of all navies the compliment of stating that he believed them incapable of the acts imputed to the German submarines. All naval men would be grateful to him. But the honorable first lord fears that officers and men may be confronted by formal orders from their Governments, which may be driven by danger into the weakness of issuing such orders. He does not think any Government would risk hereafter incurring such a responsibility. He thinks furthermore that if ever a nation were again to be capable of making such an error, it would not hesitate to commit analogous excesses with other means, for example, with air forces which could fill the world with even greater horrors.

"Against the possibility of a Government erring to such a point, all measures the conference may take would be in vain. The submarine is useful for fighting war fleets; it is useful for fighting merchant vessels. Our opinion is that it is especially the weapon of nations not having a large navy. It is, in fact, a comparatively cheap element in naval warfare which can be procured in large numbers at a cost far below that of capital ships.

"At the time when we are occupied above all with economic questions, to the point that we are willing to give them precedence over considerations of the safety of nations, this seems, in the first place, an argument worth remembering. It must be observed, however, that in the formation of a counter submarine fleet the experience of the past war has brought out the fact that we can utilize a considerable number of elements drawn from both the merchant and fishing fleets.

"The expense of providing the necessary measures of defense against submarine attack may be notably reduced by this means.

"Moreover, this is an argument of a general nature and applies to every other naval weapon, from which, in my opinion, the submarine, as we view it now, does not greatly differ.

"It seems, in fact, that henceforth the submarine has the right to figure as an integral part of naval forces.

"When it first made its appearance no one knew to what precise use it might be put.

"Even the Germans themselves, who in 1914 were several years in advance of other navies as regards submarines, did not fully realize what use they would make of them. Almost two years of war went by before they definitely decided upon their plan of action, because their submarines had not yet been perfected.

"If it was not possible at that time to determine the use which might be made of the submarine, the means for combating its activity

were still more completely unknown. Unless one has been embroiled in such circumstances, it is difficult to appreciate the formidable effort which was necessary to discover the indispensable measures for destroying the submarine and to execute them in the midst of so violent a war, which had up to that time absorbed all the vital energies of the nations in the struggle upon land.

"However it may be, if this small craft committed frightful depredations, it was not alone because the use made of it was barbarous in the extreme but largely because during many long months there was almost nothing with which it could be combated.

"At the end of the war the situation was changed, and when the armistice came the ravages of the submarines had been greatly lessened; the monthly destruction of merchant ships scarcely exceeded 60,000 tons, and the methods then in preparation for coping with the danger would have considerably reduced this, while the number of submarines destroyed had been steadily increasing.

"To sum up, in judging the submarine it should not be considered at the time of the war, and above all at that precise moment of the war when it was at the height of its effectiveness, but more in perspective and looking somewhat toward the future. As is the case with every new weapon, it first came upon its adversaries when they were without sufficient defense and caused vast damage. Yet from now on, as Lord Lee emphasized, its power would be greatly limited; the risks of destruction which it must run have become very numerous. Without going as far as the first lord in feeling that the submarine has become ineffective against its foes, it is possible to think that the struggle against the submarine may now be carried on under conditions comparable to that of any action between warships.

"A new phase has been reached in the life of the submarine; it will not be the last. There is no doubt that further great progress will be made in two directions—in the power of attack of the submarine and in the efficiency of methods for combating its operations.

"In order to establish certainty upon this point it is enough to recall the case of the torpedo boat. Upon its appearance this little craft was considered an instrument of such power of destruction that, in the view of many distinguished naval men and writers upon maritime subjects, the hour of great battleships had struck; to build them was no longer worth while. The people in France who favored this decision formed a large and influential group. What would have occurred if war had broken out at the moment of this fever in favor of torpedo boats? Evidently, if use had been made of them as arbitrarily as of the submarines by the Germans the damage caused by the torpedo boats would perhaps have been less; but what is certain is that in many respects the conditions surrounding them were analogous to those affecting submarines.

"However, the search for means to oppose the torpedo boat was undertaken. And now not only has this small craft ceased to be an object of special dread but it has developed into the destroyer or flotilla leader and has been found to be the greatest engine of war against the submarine. In this way the instrument of terror of 40 years ago has shown itself to be an especially efficacious defender of humanity.

"Who says that the same thing will not come to pass in the case of the submarine? We note as a menace which impresses itself greatly



upon our minds, the advent of powerful airships whose appearance each day strikes us as more real and more imposing. We foresee that they will be capable not only of attacks on land, at present almost irresistible, but also of formidable undertakings far out at sea. In the course of these struggles the airship can spread gas over a considerable area of the sea, paralyzing large ships, possibly squadrons. Then will we not look forward to utilizing the protection of the submarine which, supplied with powerful means against aircraft, may circle around and guard the fleet? The capacity of submerging would enable these guardians temporarily to escape the blows of the adversary in the air. This you will say to-day is fanciful. Perhaps the future will show what the result will be.

"Be that as it may, the last war has shown that hereafter the naval warfare can be carried on simultaneously under water, on the surface, and in the air. That is to say, we must, for the moment, consider the naval war of the future from this angle, if this greatest of misfortune should, contrary to the wishes of all, some day occur.

"These are actual facts from which there is no possible escape. None of you would know how to undertake to stop the progress of human ingenuity. It has taken possession of the submarine domain. This is a fact which we are unable to prevent.

"It is very certain that the submarine, the only device by which man has succeeded in navigating under water, can not yet serve any industrial purpose or peaceful aim. This characteristic it shares with the torpedo boat and with most other weapons.

"I have set forth the views of the French Navy relative to the suppression of submarines. I have still a word to say on the importance of the number of submarines.

"The figures which have been laid before the committee have emphasized the paramount consideration which must guide it in forming an opinion.

"Lord Lee has stated that the Germans constructed 320 submarines and that generally they had only ten of them in active service at sea at any one time. This would indicate that the proposals for submarines to be constructed must be estimated on a basis considerably larger than that employed in fixing the number of these little boats that it is thought necessary to use.

"In truth, we have not quite the same figures. We have estimated that on an average one can figure that the Germans had possessed 80 to 100 completed submarines which at the time could be termed in existence. Of this number they were able to keep about 15 or 20 at sea at once. And the reduction thus noted from the number of existing submarines to the number in condition to use was due to two causes—the need to allow the crews to rest, and the need of maintenance of these small boats on which the wear and tear was terrific, making constant repairs necessary.

"The advisory committee, whose perfectly clear, exact, and precise report could be considered as an excellent base for estimating, had calculated 90,000 tons to be the tonnage necessary for the United States and Great Britain. No doubt that had been the limit of reduction which those wise men had considered reasonable. Taking it that one of the present submarines and, a fortiori, a submarine of a future type—an improvement on its predecessors, should have a tonnage of about 1,000 tons, the figures proposed by the American committee

represent 90 submarines of recent type; that is to say, 15 or 20 capable of simultaneous action. This seems indeed the minimum submarine strength a power desirous of making use of this contrivance should have.

"It is proposed, however, to reduce this already very small number. If we fall below this limit, we will end by having a force of no use whatsoever, and this measure will be nearly equivalent to abolishing the submarine. I think that in this conference we should at all costs abstain from making decisions which may not be practicable and which, even before our thoughts are on the way to realization, may weaken these to the point that instead of being an element of moral strength and confidence to the world the decisions of the conference might be a cause of doubt and anxiety.

"My observation on the decrease of the tonnage seems to me all the better founded in that it applies more forcibly in the case of the construction of submarines of a greater tonnage, the freedom to build which has been asked for by most of us.

"Never has the program of navies gone forward more rapidly than now. It will lead us before long to increase the size of the submarine.

"We are convinced that the idea of large-sized submarines could not be dismissed. If you impose too narrow a limit on submarine tonnage, you will obstruct the progress of submarine science. What you would accomplish on the one hand you would undo on the other.

"To draw a conclusion from the foregoing, I think that we can not reasonably limit submarine tonnage, since we have before us an entirely new weapon, concerning which no one of us can foresee the possible transformation and growth, perhaps in the near future.

"If, in spite of this idea—which is a menace to no one, first, because I think no one here can consider that any one of us could become the enemy of any other, and, secondly, because we can agree in mutual confidence to keep each other informed of our future constructions—you wish absolutely to fix a limit to submarine tonnage, I believe that 90,000 tons is the absolute minimum for all the navies who may want to have a submarine force."

Mr. Balfour said: "Since the very remarkable statement of the antisubmarine case made by Lord Lee, two notable contributions have been made to this debate. One was the document which you, Mr. Chairman, read out yesterday, representing the views of the American advisory committee. The other was the speech of the gallant admiral who has just sat down. I rather wish that the advisory committee could have heard that speech before they drew up their report. They had reached the conclusion that the destruction of commerce by submarines was not the legitimate business of submarines, and they were under the impression that regulations could be framed which would prevent what they held to be the inhuman employment of this particular weapon of war. But had they heard the speech to which we have just listened they would have seen, I think, that while Admiral de Bon condemned, as we should all expect him to condemn, the misuse of the submarine against merchant ships, it was the action of submarines upon merchant ships which he regards as, on the whole, the most important purpose to which that weapon of maritime warfare can be put. And is he not right? Is there any man who knows what occurred in the late war,

is there any man who knows what must occur in the course of any future war, who doubts that if submarines are sent on their dangerous and difficult mission—one of the most difficult and most dangerous, as well as one of the most disagreeable tasks which can be imposed upon sailors—it is for something more important than the remote chance of destroying some well-guarded ship of war? Is there any man who doubts that if they are once let loose to deal with merchantmen their powers will not in the stress of war be abused in the future as they have been so grossly abused in the past? It is vain to dwell upon the fact that the submarine is a useful scout, that the submarine may destroy a few unguarded and care-less ships of war and impose upon any attacking forces precautions which no doubt they would gladly forego.

"From Admiral de Bon's own speech it is clear that the main object they serve is the destruction of commerce; and I can not doubt that if this had been heard and thoroughly considered by the advisory committee, the conclusion they would have come to would not have been so very remote from that which has impressed itself upon the British Empire delegation. Now, I do not in the least desire unduly to minimize the utility of submarines for genuine war purposes, but I can not help thinking that Admiral de Bon has exaggerated it. I can assure him that he is in error in supposing that the immunity from attack enjoyed by the German coasts was, in the least degree, due to their submarines. I speak with knowledge upon this subject, and I can assure him that he is under some misapprehension. Neither do I believe that you will find that submarines, on the whole, are any defense against attack by ships of war upon an undefended coast town. That is, I believe, one of the duties which the Italian delegation think can be performed by submarines, but I greatly doubt it. The Germans were able from time to time, without much difficulty, to send a swift ship across the North Sea, throw a few shells into an undefended port, and then seek safety in flight. That produced some suffering and effected some destruction; though whether the cost of the damage done by a shell is greater than the cost of the shell itself may perhaps be doubted. I remember one particular case in which an attack of this kind was made upon an open town on the east coast of England where there actually was a submarine; but it takes some time for a submarine to get ready; it takes some time for it to submerge; it is difficult for it to reach a much swifter surface vessel; and though the submarine did its best, the aggressor was far away before anything could be done either in the way of protection or revenge.

"Is it not in the minds of all of us who followed the history of the late war that the British ships bombarded hour after hour the Flemish coast of Zeebrugge, which was full of submarines? The damage these submarines inflicted was trifling and they never checked the bombardment. Take the case of the Dardanelles. We lay opposite the Dardanelles, in the most perilous circumstances you could well conceive, month after month, with submarines ever on the watch seeking what they could destroy. What they destroyed was quite insignificant. Now, if submarines could not render it impossible for ships to lie in the open opposite the Dardanelles, how can we believe that they are going to prove a very efficient weapon to maritime defense? I do not wish to dwell further upon this aspect of the ques-

tion, because I do not think, as I have already indicated, that it is the fighting use of the submarine which is really before us now. The question before us now is whether you are going to encourage an instrument of war which, if it be encouraged, if indeed it be permitted at all, will undoubtedly be used in the illegitimate destruction of commerce. Now, who is that going to injure? There are two of the powers represented here who I think have little or nothing to fear in such a connection. I mean the United States and Japan. Both are remote from any possible aggressor and the United States are self-sufficient. How about the other three?

"Take the case of Italy. Italy is not an island, but for the purposes of this debate she almost counts as an island. I remember the extreme difficulty we had in supplying her even with the minimum of coal necessary to keep her arsenals and manufacturies going during the war. I doubt whether she could feed herself or supply herself or continue as an efficient fighting unit if she were really blockaded, if her sea commerce were cut off, which, please God, will never be. The fact that you are going to give a general blessing to submarines—at least so I gather—puts it in the power of every State that has a seaboard at all to make itself a formidable, aggressive enemy. You talk of the submarine as if it were by nature something that encouraged defense and discouraged attack. It is nothing of the kind. A State which is itself not dependent upon sea-borne commerce, but which has some access to the sea, can, without building a battleship, without having any great naval estimates, make itself one of the most formidable of aggressive powers to its maritime neighbors. Italy has five neighbors in the Mediterranean. I hope and believe that peace, eternal peace, will reign in those ancient homes of civilization. But we are considering these matters from, as it were, the cold and calculating point of view of some member of a general staff. He, looking at the problem without any political bias, merely as a question of strategy, would say to Italy, 'You have five neighbors, each one of which can, if it desired it, blockade your coast without employing a single surface ship.' No troops need be landed, no battles fought. You would perish without being conquered. Now, compare with this case the case of France. France is nearly self-supporting in point of food, and France has a great land frontier which gives her access, directly and indirectly, to all the great markets of the world. No maritime power can blockade her. But though secure from the sea, Mr. Briand tells us that she is in a position of very great insecurity on the side of the land, and he certainly indicated to an attentive world that France not only required a large army now, but as events develop she might again call for assistance from overseas, across the Atlantic or across the Channel.

"How, then, shall we think of this encouragement of submarines, these passionate declarations against any interference with the development of this promising weapon of war which is still in its infancy? The submarines which the French propose to build will be no protection against the submarines of Germany. On what, then, is she going to rely? On the trawlers and fishermen of her own coasts? If the experience of the past is any guide to the future, these will be wholly insufficient. At a moment when everything turned upon

keeping open the communications between France, Britain, and the United States the contribution of small craft to this vital object was as follows: France, 257 vessels; Italy, 288 vessels; Great Britain, 3,676 vessels. These figures speak for themselves; and it is manifest that but for the assistance given by British trawlers, fishermen, and merchant seamen the exclusion from Italy of the necessities of national existence, the exclusion from France of the allied armies and munitions would have been complete, and the war would have been lost. Supposing now that the situation which I have just described were reproduced, as M. Briand fears that it may be produced; supposing that France's allies come to her assistance, as I hope they will; is it not clear that France will again be as dependent on British antisubmarine craft as she was three or four years ago? Is this a tolerable situation? I cannot believe that on reflection our French friends will think so. This is a conference for the diminution of naval armaments, and surely it is fitting that we should remember, not merely that the submarine is an instrument of warfare certain to be abused, but that the building of them in large numbers inflicts a double burden on the world—a burden on the country which possesses them, and a burden also on the countries against which they may possibly be used.

"Think not, however, that I am making any appeal of a purely national character. People are apt to suppose that Great Britain is the country which has most to fear from submarine warfare. They look at the map; they see that Great Britain is wholly dependent on sea-borne supplies, and that opposite her coasts are harbors over which she has no control flanking the long lines of commercial communication which connect her with distant parts of her own Empire, with the markets which she serves, and the countries from which she draws her raw material. They argue that a country so situated is at the mercy of submarine warfare.

"Now, it is true that our position has its strategical difficulties; but we have faced them before; we have faced them successfully; and if ever the necessity should arise we shall face them successfully again. Lord Lee yesterday called attention to the critical moment of the war. I remember it well, for I was coming over to this country, and daily we received by wireless the returns of our loss of merchant tonnage. A very simple calculation sufficed to show that if this state of things continued the war would end in tragedy. In the struggle between the attack by submarines and the defense, the attack was winning. All such struggles, however, have their ups and downs, and this was the very nadir of our fortunes. But it brought its own remedy. Courage, invention, and organization did their work, and months before the end of the war on land piracy at sea had lost its terrors. And so it will be again if the necessity should arise. We shall know how to protect ourselves, and if need be we shall know how to protect our allies. But when those allies themselves multiply their fleets of submarines at our very doors we know not what to think of a position so incongruous and so strange.

"But there are considerations to be kept in mind which are wider even than the most important international relations—considerations of humanity, considerations of public morality. Admiral de Bon observed just now that the submarine must develop. You could

not, he observed, stop the progress of invention. I confess that, in so far as the progress of invention consists in devising new methods of warfare, I would stop it to-morrow if I could; and this conference could not do better work than to stop it in so far as it can be stopped. And, surely, if the powers represented in this room set themselves resolutely to the task, the submarine could be banned. I believe the conscience of mankind would help us; I believe the public opinion of the world would be on our side; and the result of our labors would be approved, not merely by those who wish to diminish the burden of excessive taxation, but by those who believe that, if the possibility of war must be admitted, we should do something to make it more humane."

Senator Schanzer said: "We have listened with the greatest attention to Mr. Balfour's important speech.

"Mr. Balfour has recalled England's efficient aid for Italy's supplies during the war. I wish in the first place to express to the British delegate, who represents his country with such a great authority, Italy's sincere gratitude. We shall never forget what England has done, and Mr. Balfour knows the cordial friendship for England which is traditional among the Italian people and constitutes one of the surest bases of all Italian policy.

"I wish furthermore to express to Mr. Balfour my thanks also for the important remarks he made on the particular conditions of Italy, which depends completely on the sea for her supplies, which can be blockaded with the greatest facility owing to the fact that the Mediterranean is like a lake, and which can be exposed to an offensive action on the part of as many as five maritime neighbors. His observations are such as to justify, better than I could ever have done myself, the position that the Italian delegation has assumed in the present debate.

"Mr. Balfour has contested the utility of the submarine for coast defense. He maintains that submarines are of no help in guaranteeing the supplies of a country which is dependent on the sea, and holds, on the other hand, that they are a menace to these supplies. He has said that submarines are a danger, especially for Italy, whose coasts can be easily blockaded and whose maritime neighbors might make use of submarines as an offensive weapon. We are confronted by a substantial technical difference of opinion. Your authority and that of Lord Lee's are no doubt very great, but there are technical experts of great authority who insist upon the necessity of still maintaining submarines as a defensive weapon. This opinion is shared by our naval experts and by our Government.

"We are disposed, however, to pursue together with you the study of this problem; only we must point out that it does not seem possible to us to-day to decide on the suppression of submarines because many of the States that could avail themselves of this dangerous weapon are not represented in this conference.

"Were we to decide to-day the suppression of submarines we would evidently be placing ourselves in a dangerous condition of manifest inferiority in respect to those States which are not represented here and which might continue to use submarines. The Italian delegation believes, therefore, that this problem must be examined subsequently

in a wider conference. For the present, however, one point is clear in our minds and that is that the best course would be to follow even in this case the spirit of the American proposal and consequently to limitate submarines to the measure strictly necessary for the ends of a purely defensive naval policy."

Admiral de Bon asked the committee for a moment's attention. An error, he said, had been made which might be corrected by a moment's reference to the minutes. Contrary to what Mr. Balfour seemed to believe, he had never stated that it was permissible to use submarines to destroy commercial vessels. He had said that the Germans, during the war, had used them in an unnecessary and cruel manner, but he had never said that France intended to use them in any similar practice; it had never entered into his thesis that submarine war on commerce was right or permissible. He said he hoped that the minutes would make this point clear. To sum up, he had said the Germans might have used the submarine less barbarously; that did not mean that he intended to preach barbarity himself.

Mr. Balfour said that the last thing he had intended was to misrepresent Admiral De Bon. He was certain that if the admiral ever had control of a navy in time of war he would conduct the operations in accordance with the dictates of humanity and the fine traditions of the great service to which he belonged. What he had attempted to show, however, was that, if the submarine was to play the great rôle in future wars which Admiral de Bon had suggested in his speech it could only do so by resorting to extreme methods, for it was futile to suppose that submarines would make a practice of stopping merchant ships and placing prize crews on board to take them into port.

Senator Schanzer asked permission to inquire with respect to the Christmas holiday. He said he had been informed that there would be a recess until Tuesday after Christmas, and asked whether it was correct that a meeting would be held on Tuesday afternoon.

The chairman stated that as the servant of the conference he did not feel at liberty to recommend any Christmas recess unless this was the expressed desire of the delegates. He said that if in the judgment of the delegates the conference had arrived at a point where progress could be made, he would suggest that a meeting be held the following morning. If at that meeting a point should be reached where further immediate progress might be made, a meeting could be held the following Monday. This, he said, could be decided according to circumstances.

The chairman then referred to the question of the public statement for the press and asked whether it would be agreeable to the French and British Empire delegations to publish in full the arguments of Admiral de Bon and Mr. Balfour. This was agreed to by these delegations.

The meeting then adjourned until the following morning, December 24, 1921, at 11 o'clock.

## SEVENTH MEETING—SATURDAY, DECEMBER 24, 1921, 11 A. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright and Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domvile, Mr. Mousley.

*France.*—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

*Japan.*—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi and Commander Hori.

The secretary general, assisted by Mr. Cresson, Mr. Osborne, and Mr. Paul.

Interpreters—Mr. Camerlynck and Mr. Talamon.

1. The seventh meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building, at 11 a. m., Saturday, December 24, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domvile, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi, Commander Hori. The secretary general, assisted by Mr. Cresson, Mr. Osborne, and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman, Mr. Hughes, announced that the meeting was ready to continue the discussion begun the day before.

Mr. Sarraut said that their eminent and venerated colleague, Mr. Balfour, replying the previous day to Admiral de Bon's statement—a statement which in Mr. Sarraut's opinion had been so substantial and convincing—had given the committee a new opportunity for respecting the eloquence and the emotion of the phrases which a mind like Mr. Balfour's always so easily found to express the inspirations of his thought. He wished to thank Mr. Balfour per-



sonally for having given him that rare pleasure in which the regret felt at meeting opposition immediately gave way to admiration for one's adversary. He regretted the use of such a word as adversary, which had a displeasing sound; for, as a matter of fact, his first impulse, as he rose to reply, was to think of the last words of Mr. Balfour's speech and to approve with all his heart and all his reason the dignity and the serenity with which Mr. Balfour looked forward to the future destiny of his great country. On this point Mr. Balfour knew how completely he shared this faith and conviction. His own country, more than any other—Mr. Balfour also knew this—desired for Great Britain the continuation of the power and security which France regarded as one of the essential guaranties of the peace of the world and of the future of civilization. France would be the last to forget how greatly the heroism and the tenacity of her mighty ally had contributed to bring about the final decision which had saved the liberty of mankind; and in the effort thus made by England it was also known what a part had been played by the splendid British Navy, which, in cooperation with the French Navy, had done so much to make victory certain.

He wished to bear these sentiments in mind in replying to Mr. Balfour, and particularly to the argument "*ad hominem*" which the latter had addressed to France as well as to Italy, with the object of demonstrating the danger that might be created by the position taken by France on the submarine question. If he had rightly understood, Mr. Balfour had said: Beware! You may be the first victims of your own attitude; you know what England has been enabled to do for you with the aid of her navy; this help ran great risk of being impaired by the action of the German submarines; let us suppose, he had said, that the situation at the time the last war should recur, as has been suggested by Mr. Briand; suppose the former allies of France again came to her assistance (as Mr. Balfour said he hoped they would do); the efficiency of their help might be impaired by the resumption of that submarine campaign which the attitude of France would have helped to render possible by its unwillingness to abolish the submarines.

Such, Mr. Sarraut believed, was Mr. Balfour's line of reasoning; he had not understated it and believed that he had exactly reproduced it. He might remark that, in reality, the danger contemplated by Mr. Briand was the same as that which Mr. Balfour himself had called "the very great insecurity from the land side." But he also agreed with Mr. Balfour that the peril might extend to the sea and, far from putting aside this supposition, he hastened to accept it, because it would still further strengthen the French contention.

At this point he would borrow from Mr. Balfour himself an argument in answer to the latter's own reasoning. In fact, Mr. Balfour, in pointing out to France the eventual danger of maintaining submarines, had maintained that countries having coast lines or with access to the sea might take advantage of this situation to gather together a force of submarines representing a considerable aggressive strength for use against their neighbors or against other countries. Herein lay the very danger—pointed out by Mr. Balfour himself—which France feared and wished to avoid. It had been suggested that France give up the idea of re-

taining submarines; but, he asked, were all the powers possessing fleets of submarines equally anxious to support such a decision? There were five powers represented on the committee; sometimes they were called "the Big Three", sometimes "the Big Five"; a decision could be reached as far as those present were concerned, but what would the other countries do? Who could give assurance that they would submit and follow the example set them? What would happen, moreover, if these other countries continued to build submarines, either for their own use, or for some one else? In what situation would those countries who were represented on the committee find themselves if, peradventure, war were to break out? They would have given up submarines only to be confronted with the great submarine forces which other nations had constructed, retained, or ceded to enemy powers.

This was the eventuality which must be faced. Would anyone tell him, Mr. Sarraut asked, that that was fantastic? The countries he had in mind were countries not represented here, and which would therefore preserve their freedom of action and their submarine forces; what way was there, he asked, of persuading them or of forcing them to follow the example of the countries represented on the committee?

Great Britain had tried persuasion without success. Those attempts had been made in the deliberations preliminary to the peace treaty, during which Great Britain had expressed the wish that the use of submarines be forbidden, as well as in discussions before the League of Nations in the course of which, if Mr. Sarraut was not mistaken, the matter had been brought up twice. The other countries concerned refused to accept the British proposals. There was nothing surprising in this; it went to prove that these suggestions were in opposition to a sentiment which was very natural and which was not peculiar to the French. There must be no misunderstanding on this point; the views upheld by the French delegation were not exclusively the views of France; they were shared by many other countries whose ideas France only reflected. No country worthy of the name could leave to others the care of its national defense; every country had the desire and the right to assure its own safety—and to refuse to intrust to anyone else the defense of its independence or its integrity; every country tried to do this through its own means and its own resources. Some countries were able to build mighty fleets and possess capital ships; but those which did not have the same resources to dispose of, and the same financial facilities, were building, or would build, submarines, which constituted the weapon of the weak and were less costly. Should this right be denied them? They had no choice when they saw other countries maintaining powerful fleets—without any warlike invention, to be sure, but with a view to protecting their own safety against any eventuality. Persuasion was of no avail; constraint would not succeed any better. No one present could even dream of constraint, for the very simple reason that they all saw the danger of taking such an attitude.

Mr. Sarraut said he had called the attention of Great Britain in a friendly way to the construction which might be given to decisions of the conference by certain countries, a construction

which was the subject of the opening effects of the conference to secure a spirit of peace. An atmosphere of peace could only be maintained if the will of all persons were given the assurance and guarantee that this peace was based on a feeling of equity and justice and took the interests of all into account. On the day of the conference he began to think that there was likelihood of the committee being used to impose upon them the point of view of the powers represented—his venture to emphasize the fact at a time when the susceptibilities of nations ought to be carefully considered—he feared that there might grow up, around the beneficial work that was being accomplished here, certain prejudices and even calumnies, distorting the trend of the proposals of the powers represented on the committee—such as those from which the French had suffered, which had only recently been mentioned in the press against France, representing her as imperialistic.

It must not be permitted, Mr. Sarraut continued, that such calumnies, misinterpreting true sentiments, should be initiated against any one of the powers present—France, Great Britain, Japan, or any other. If certain of these powers preserved more or less considerable naval forces and if, at the same time, other powers, not represented here, were forbidden the right to procure for themselves the smaller but still efficacious weapons of defense which they believed they needed, might not the legends to which he had referred tempt them to think that other more powerful countries wished to keep them in subjection, to force them to place themselves under their protection and to retain them in a sort of vassalage? That was an impression which must be avoided. Careful consideration, he wished to repeat, must be given to the mental attitude of the peoples not represented here, whose susceptibilities might lead them to misconstrue the exact meaning of the decisions which the members of the committee were collaborating.

The committee would perceive, Mr. Sarraut said, the conclusions to which he was leading. It was impossible to assume here certain obligations in the matter of submarines in the name of countries not taking part in the conference; these countries could neither be persuaded nor coerced; that was to say, there could be no guaranty that they would follow the example of those not constructing submarines.

Hence, in the absence of these guaranties, he considered that the committee could not come to a decision. An agreement had been reached on the reduction of offensive naval armaments, but the question of means of defense must be left to the consideration of the countries interested.

He readily understood that a general conference might be suggested in which all the countries interested in the question of submarines would be represented. In this conference the rules applying to a more humane use of submarines might be determined; the question of the principle of the retention or abolition of the use of submarines could be raised. Then all the nations interested in the question might express their opinion and really effective decisions might be reached. For the time being, he wished to repeat, he believed that no decisions could be reached, even regarding the questions of what amount of submarine tonnage constituted a defensive navy or what amount constituted an offensive weapon. Let the

tonnage of the great ships, of the attacking vessels, be limited as had been done; that was well, and each country might make its contribution along with its personal sacrifices in the matter; but, in regard to the defensive navy, it was those countries concerned which best knew their needs and the situation which they must face. It was essentially a question dependent upon the sovereignty of such countries and upon the perception they had of their responsibilities in regard to national safety.

Such, Mr. Sarraut added, were the considerations which he wished to lay before Mr. Balfour; he did not know whether he had succeeded in convincing him, but at least he had had the great honor of having entered into debate with him.

Mr. Balfour said that he did not mean to weary the committee with another long speech, but he had to say one or two sentences to make his position clear after the speech just delivered by Mr. Sarraut. Those observations, so far as he was concerned, were not only most courteous but they were flattering far beyond his deserts, and he gratefully acknowledged the spirit in which they were made and the language in which they were couched. But he felt bound, of course, to make quite clear—he would not say the whole case of the British Empire delegation—but certain points in that case which he thought it possible Mr. Sarraut's speech might have confused. The argument that he (Mr. Balfour) brought forward in its relation to France might be put in this way: The conference had been given to understand on the very highest authority, namely, the French prime minister's, that the danger to France in the future was a danger that came to her from the land side, and the conference had been told in terms of unforgettable eloquence that that danger was so great and pressed so much upon the consciences of public men and the sentiments of the French public that it was quite impossible for France to permit any diminution of land armaments. The decision thus announced had had a most serious effect upon the development of the work of a conference called together to diminish armaments. This ideal had had to be abandoned; and the conference found itself confined to naval disarmament alone. France, having thus put an end to all chance of even discussing disarmament by land, had proceeded to develop her sea policy, and her sea policy embraced the creation of a vast submarine fleet. Now let those two positions taken together be considered.

If the danger to France was of the magnitude which had been indicated, and if France (which Heaven forbid) should again in the future have to call upon her friends and allies, or late allies, for assistance in men and in munitions, it would be, he supposed, because her great eastern neighbor had not merely revived her army but had also revived her navy. The one was not likely to take place without the other; both were contrary to the Treaty of Versailles. Very well. It must then be assumed that there were 60,000,000 or 70,000,000 Germans against whom France would have to be prepared, and it must be assumed that those 60,000,000 or 70,000,000 Germans would be supplied, if with nothing else, at least with the easiest and the cheapest of all ships that could be built—namely, submarines. How was France going to deal with that situation? Her fleet of submarines would be of no use at all. Let her make that

fleet what she would, they would not protect or help to protect either her own merchant ships or the transports of her neighbors and friends. Submarines were weapons of offense not, as was so often said, weapons of defense; and in no sense would they be able to give one atom of assistance to the French nation, if she were threatened with the dangers on which Mr. Briand had so eloquently dwelt. They would afford her no assistance in her hour of need. To whom, then, was she going to look? There was but one nation in Europe which was or could be made, so far as he could see, adequately safe against submarine attack, and that for social and economic reasons which could not well be copied.

Great Britain, and Great Britain alone in Europe, so far as he knew, had that large seafaring population which could be utilized for the manning of the small craft by which submarines could be controlled in those narrow waters—a population which, as shown conclusively by the experience of the late war, not only had the numbers but the individual skill, courage, and capacity to deal with that situation. So that he must assume, if it were true that France, in the crisis contemplated by Mr. Briand, was going to call upon her ancient allies for assistance, it was upon Great Britain's antisubmarine craft that she would be dependent for the possibility of that call being obeyed. How was such a policy consistent with the building of this huge mass of submarines which anybody who looked at the matter from a strictly strategical and tactical point of view would certainly be driven to say was built mainly against Great Britain? He remembered, and of course he accepted, the eloquent protest made by Mr. Sarraut. He knew that Mr. Sarraut, in his expression of friendship for Great Britain, had said not one word in excess of the truth. He knew it represented what came from the heart. But no present expression of good will, however sincere, could control the future. Facts were facts. And when one tried to combine the military policy announced by Mr. Briand with the naval policy announced by Admiral de Bon, one could not fail to see that here was a naval and military scheme strangely incoherent and inconsistent. Men would inevitably ask themselves: What is the ultimate end underlying all that is being done? Against whom is this submarine fleet being built? What purpose is it to serve? What danger to France is it intended to guard against? He knew of no satisfactory answer to such questions.

He had so far confined himself strictly to the Anglo-French position, and he had tried to explain to those who he knew were Great Britain's friends why the position seemed to the British public so inconsistent and so difficult to justify. He asked to be allowed to say one word upon the more general aspect. He thought there was something to be said in favor of this part of the contention of Mr. Sarraut. Mr. Sarraut had asked the committee by what authority the five nations at the table could legislate for the world. They could not legislate for the world; they could not compel the world to take their opinion. When Mr. Sarraut had argued from that undeniable proposition, he had merely repeated what Mr. Hughes himself had stated in a sentence which really covered the whole ground: "Even if they were ready to adopt the principle suggested by the British Empire delegation, they would still have to wait the ad-

herence of other nations." That was a statement which he (Mr. Balfour) entirely accepted. But even if it were granted in its full extent, as it should be granted, did it follow that, if a conference of the five great naval powers were really unanimous and really put forward upon broad moral grounds the statement that in their view submarines were not a weapon of war which was consistent with civilization, that such a declaration would have no effect. Would it not be the prelude to their ultimate abolition? Was mankind indeed deaf to such appeals? Would they fall vainly upon unheeding ears? He did not think so. He thought if it were possible for this conference of the United States of America, Japan, France, Italy, and Great Britain—the five great naval powers—to give expression in fitting language to that view, it would be the beginning of a great and beneficent reform. Mr. Sarraut apparently did not think it would be a reform, or at all events, he thought that whatever it might be, taken by itself, the very fact that it had been brought forward by Great Britain, advocated by Great Britain, and adopted by this conference on the appeal of Great Britain, would give rise to endless calumnies and that Great Britain herself might suffer from the notion that in making this appeal she had been animated solely by selfish motives and a desire to dominate weaker neighbors by her superior sea power. But was such misrepresentation possible? If it were attempted, would it be believed?

It seemed to him incredible that anybody could think it was intended as a prelude to British domination over weaker neighbors. Without going into the depths of history, let him observe that for the whole of the nineteenth century, after the Peace of Paris in 1815, Great Britain possessed sea power which had no rival. There were no other powers which had the wealth to build against her had not, thought it worth while, and for all those years the British fleet was the largest that traversed the ocean. Then Germany and Japan and the United States and Japan had followed suit, and a new state of things arose. But was the history of Great Britain during those years one favorable or unfavorable to peace, favorable to liberty? It had been during those years that France had been free, that Italy became united, that all the States of Central Europe had declared themselves independent Republics. In the century which had passed, there had been only one European war in which Great Britain had been engaged, and in that war Great Britain was the ally of France. He could not imagine any state of affairs in the century supposing that, even if the sea power of Great Britain in the century which was to come was comparable to the sea power of the century which had passed, the liberties of the world would have anything to fear. He himself looked upon the present situation without fear and without any apprehension. The British Empire was strong enough to defend itself. He did not believe that any of the nations to which the appeal was made by Mr. Sarraut were going to run away with the sea for any purpose whatever, Great Britain meant to remain a power on land or sea.

Mr. Sarraut seemed to think that the nations which would have rejoiced in the power to build for themselves their own marine fleets would resent an international arrangement by which the building of marine fleets was forbidden. This, they would not.

of Great Britain's arrogance and pride. But if he knew anything of the smaller nations of Europe, that was the very last thing they were going to say. It was not from British avarice or British love of domination that they had ever suffered. If they considered the power of Great Britain at all, they considered it as a power to which in time of difficulty they might look for protection. If they considered the influence of Great Britain at all, they knew that that influence had always been exercised on the side of freedom, and he was certainly not going to be prevented from doing his best to promote this great moral reform by the fear that the action of himself and his friends around him could, even by the bitterest and most unscrupulous calumny, be misrepresented in the way which Mr. Sarraut seemed to fear. That was all he had to say. He had not attempted, as his friends would see, to go over the ground traversed yesterday or to deal with all the fundamental verities of the situation; but as Mr. Sarraut had thought it desirable to bring up these international relations and to paint the future in these gloomy colors, he thought it would have hardly been respectful either to Mr. Sarraut or to the other friends who were present if he had remained perfectly silent under the observations made by the French delegation.

Mr. Sarraut said that he did not intend to monopolize the attention of the committee, but he considered it most essential to avoid any misunderstanding; it was indispensable to the clearness of this discussion that his thoughts should not be misconstrued. In this connection he felt he must clarify two points on which Mr. Balfour had dwelt: One concerned the definition of the general situation of France; the other dealt with the possible result of the decision which the conference might take in regard to submarines, upon the public opinion of the world, or at least upon the opinion of the powers not represented here.

In regard to the situation of France and the policy pursued by her in safeguarding her independence and her security, Mr. Balfour, in referring to the attitude on land armaments taken by Mr. Briand, and its relation to the French demands in naval matters, had appeared to experience a feeling of surprise in regard to this policy, which he had considered as a unit—a feeling of surprise, the causes of which, to tell the truth, Mr. Sarraut had had difficulty in understanding.

France, it was true, was compelled to make a double effort, military and naval. The reasons for this were simple and clear. In regard to land defense, Mr. Briand had made a statement of the perils against which France was obliged to guard—a statement which everyone considered final.

Mr. Briand had indicated, with a cogency to which he could add nothing, the necessity which confronted France of providing for her defense by retaining a burden of armaments which was for her a grievous servitude. It was not for pleasure that France assumed these sacrifices, and he did not believe that anyone would venture to contradict this.

What was the object of France's efforts on the seas? Was she impelled by some proud aspiration toward an increase of maritime power? No; the committee well knew that she was not, since, in regard to capital ships, in which lay true offensive power (that power

which alone could give support to an ambitious scheme), France had made the greatest sacrifice and was satisfied with the amount of tonnage which had been allotted to her. It was true that France asked for submarines—but to what end? To attack her neighbors? He would not deign to reply to such a suspicion. The truth was that France was confronted by a situation of fact of which Mr. Balfour must be aware. Besides her continental coast lines, the defense of which could not be neglected, she possessed a colonial domain whose ramifications were spread all over the world. France must have the weapons she needed to defend her possessions, just as she must have the weapons necessary to the safety of her transports and her lines of communication between the mother country and her colonies, both near and distant. In time of peace France scattered her military forces throughout her possessions; her forces, as the committee knew, were divided among the mother country, North Africa, and her various colonies.

There was, then, a logical connection between her indispensable military power and her naval force. She ought in any event to keep the means of assuring the safe transportation of her troops to the mother country and for this purpose she must decidedly have at her command a certain force. This was why, after having consented to the sacrifice which had been asked of her in the matter of capital ships, she came there to set forth the situation; to state in all frankness and all simplicity the obligations and the reasons of her naval program, which was based on needs whose reality could not be doubted. And when the French delegation had laid before the committee the sincere, definite, and precise reasons for France's program, how could it be suspected of any secret designs against which the very frankness of its explanations protested?

As to the myths, the imputations to which he had referred as possibly penetrating beyond the circle of the powers there represented, he was astonished at the interpretation put upon them; he had said nothing—there was no need to insist on the fact—which was especially aimed against Great Britain. And if, on the contrary, he had outlined these fears very frankly to the committee, it had been because the reproach to which he had already alluded might some time be laid against their common work, against all the powers, without exception, which were deliberating there, and because he wished to avoid for all the powers there present, without exception, any suspicion of having attempted to reduce to vassalage those powers, large and small, which had not participated in these counsels, by removing from them their weapon of defense, the submarine.

In fact, if Mr. Balfour harbored the slightest idea that he wished to impugn the motives of Great Britain, the words spoken by him (Mr. Sarraut) at the beginning of his speech would bear witness to the affectionate feelings which had continually inspired his thoughts. He had then stated clearly that the might and the safety of Great Britain constituted one of the essential safeguards of the peace of the world and of the progress of civilization. Who, moreover, would dream to-day of speaking of the possible hegemony of any country in the world? That dream of an earlier day, which was of a whole people, had forever vanished in the last war. And it was Mr. Balfour's own country which had largely contributed to the overthrow



of that hegemony by a contribution toward the victory of right which would remain the honor and the supreme glory of Great Britain.

Nevertheless, the fact remained that, in the fulfillment of the task which the conference was engaged upon, the susceptibilities of certain peoples had to be taken into account. He had said that, if one wanted to settle such a question as that of the suppression or retention of the submarine, the small powers should be aligned by the side of the great, because the small ones had also the right to express their views and make their voices heard.

In conclusion, Mr. Sarraut said he could not express himself otherwise, even when speaking on behalf of a country whose liberal and peace-loving sentiments could not be mistaken, even when dealing with the problem of her safety on land and at sea. The creation of a will to peace in the world could be based only on confidence and a spirit of justice. This was the deep conviction which must be imparted to all nations; they should be persuaded of this fact, not by having it forced on them but by letting it penetrate gently into their minds. This, and nothing else, was what he had said.

The chairman said that he thought the committee had proceeded to a point where it must be concluded that it was not possible to reach an agreement on the matter just discussed. It had been the highest privilege to listen to the strong and persuasive arguments of Mr. Balfour. It would be superfluous to say that the arguments he addressed to the committee had been perfect in construction and comprehensiveness and admirable in their entire candor. All present must feel that they were his debtors for the intellectual pleasure he had given them. The chairman, wished, however, to express a far deeper sense of obligation. The conference had been called for the limitation of armament; and the economic importance of limitation had been emphasized. But in that way, limited though it might be, the conference was striving to lay a basis for an enduring peace. That was the real point of their effort. What had impressed him most in Mr. Balfour's statement was the spirit with which it was imbued and the manifest desire to present and enforce, against apparently hopeless odds, a proposition which was deemed important for the maintenance of the peace of the world and for such an adjustment of weapons of war as might favor the maintenance of conditions of peace. He said that he wished to express his profound sympathy with what Mr. Balfour and Lord Lee had said: their argument had derived force not only from humanitarian sentiment, not only from abhorrence of the atrocities of submarine warfare, but also because it had been buttressed by facts drawn from the extended experience of Great Britain—an experience which presented tests of all the questions raised here. If the argument of Mr. Balfour and Lord Lee could be answered, the chairman thought that that answer had yet to come. He perceived from his more or less impartial position the great difficulties involved in presenting a technical answer. He distrusted his ability to judge of the technical naval argument, but he believed that those taking upon themselves the burden of that effort would have much to do.

He was quite aware that in the United States there was widespread sentiment against the submarine, largely due to the feeling that had been aroused by the abhorrent uses to which the submarine had

been put. There was a very strong sentiment against the submarine, and that as an offensive weapon it should be outlawed, a feeling that would be powerfully reinforced by what had been said here. While the chairman felt that there was no immediate prospect of the adoption of the proposal, the words of Mr. Balfour and Lord Lee would carry far beyond this conference and powerfully influence the development of public opinion throughout the world. He was not prepared to say that their suggestions might not ultimately be successful in inducing the nations to forego the use of a weapon which, as Mr. Balfour had urged, was valuable only as an aggressive weapon, and then only in a form of aggression condemned by humanity and international law.

There existed a very great difficulty because of the difference of technical opinion on this point. Naval experts did not agree, and it was impossible to ignore their views. So far as the United States was concerned, the matter had been examined by the advisory committee, which, although it had not had the advantage of hearing these arguments, had nevertheless produced an able, illuminating, and conservative report. As France, Italy, and Japan had manifested an inability to agree, it would be impossible at this time to expect a result favorable to the adoption here of a resolution to abolish the submarine.

The chairman said that he had had the pleasure of conferring with the President in regard to this matter, and had found him deeply impressed with the strength of the arguments presented and the spirit animating them. If at any time it were found to be feasible to take the matter up, the United States Government would give it their most serious attention. The chairman hoped that what had been said here would prove provocative of thought throughout the entire world. When adherence could be expected to the principle of abolition the subject would be again considered. He hoped that it would be clearly understood that the submarine would not be countenanced as a weapon really suited only to offensive attack (if that be the fact) under the guise of a weapon which was only available for a very limited purpose of defense (if that, too, be the fact). He was not a naval expert; the position of the American Government was as well set forth as it could be in the statement of the advisory committee. The American Government welcomed the discussion as of the utmost importance and was greatly impressed by the strength of Mr. Balfour's arguments in the light of the experience of the late war.

What could be done? It had been said that there were other powers which were not represented here. The powers participating in the Conference on the Limitation of Armament were bound not to use that conference to impinge upon the full liberty of discussion of those desiring to be heard in a matter relating to their defense. A moral offensive—if he might be permitted to use that term—should not be conducted against them. He felt in honor bound by what had been communicated to him by other powers not represented on the committee that nothing should be done which would compromise their position on a question which they believed related to their security, or which might prevent them from taking the measures they thought necessary for their defense. A discussion, how-

ever, which tended to bring out the truth would be as helpful to those who were not present as to those who were represented.

He hoped that the discussion would lead the five powers present to agree to a denunciation of the illegal methods of submarine warfare in terms clearly understandable and to bind themselves to assure the application of the principles of international law in connection with submarine warfare and to consider and debate what could be done to strengthen the laws governing the use of this weapon.

The chairman then said that unless further discussion of the principle of the abolition of the submarine was desired the committee should consider its restriction, numbers, tonnage, etc. He believed that those who considered that the submarine was essential should frankly tell the committee how far they were prepared to go, what their minimum requirements were, and how far they were prepared to accept reduction or restriction. The point of limitation of armament as regards submarines had been reached. With respect to the point of proposing and considering the law in the case, that matter was one where the precise phraseology must be carefully considered. With the permission of the committee, precise proposals would later be brought forward by the American delegation, pending which the committee was ready to discuss the subject of the limitation of the tonnage of submarines and all that pertained thereto. He would therefore ask the delegates to express themselves on that point.

Mr. Balfour asked that he be allowed to express, on behalf not only of himself but of his colleagues on the British Empire delegation, their thanks for the speech which the chairman had just delivered. They thought that it was the happiest augury for the future. Looking at it from the point of view of peace, and in so far as peace could not be attained with humanitarian conduct of war, they regarded the chairman's utterance from those two points of view as a great step forward, and they did not doubt that it would find an echo in all parts of the civilized world and would greatly promote the cause they had so much at heart. The chairman had indicated that it would be for the general convenience that this stage of the discussion should now be brought to an end, and certainly he believed that to be right. He asked, however, to be permitted to have placed formally upon the committee's records the views, very briefly expressed, of the British Empire delegation, which would take the following form:

"The British Empire delegation desired formally to place on record its opinion that the use of submarines, whilst of small value for defensive purposes, leads inevitably to acts which are inconsistent with the laws of war and the dictates of humanity, and the delegation desires that united action should be taken by all nations to forbid their maintenance, construction, or employment."

The chairman assumed that there was entire agreement that the statement just read by Mr. Balfour should be placed on the record, and that as the views of all the delegates had been heard with regard to the abolition of submarines, the committee might proceed to the discussion of the limitation of submarine tonnage.

In the course of the discussion it had been remarked that as far as submarines were concerned, the American proposal was hardly a

limitation. The American delegation thought that, so far as American submarine tonnage was concerned, the remark in question had been based on a misapprehension and that there had been a reduction—from 95,000 tons to 90,000 tons—slight, to be sure, but still a reduction.

He desired, however, to make this suggestion. It was impossible to hear all the arguments regarding submarines without forming an impression of the views entertained by the delegations on this matter. The American delegation was entirely willing to accept, instead of 90,000 tons proposed as the maximum limit for the United States, 60,000 tons, thus scrapping 35,000 tons of the existing submarine tonnage, on the basis that Great Britain should also accept 60,000 tons as the maximum limit of submarines and scrap 22,464 tons—her present amount of submarine tonnage being 82,464 tons, according to the American figures. Then, in a desire to make whatever accommodation was possible to meet the views entertained by the other delegations, the chairman suggested that, if the United States and Great Britain each reduced the maximum limit of their submarine tonnage to 60,000 tons, France, Japan, and Italy should retain the tonnage they have—in other words, maintain the status quo as regards submarine tonnage. He made the suggestion in order to show that so far as the American Government was concerned, it was not in favor of anything that savored of expansion. This was a conference on limitation.

In reply to an inquiry by Lord Lee, the chairman said that he understood that the present submarine tonnage of Japan was 31,452 tons; that of France, according to the figures given the other day, was 31,391 tons, and that of Italy somewhat less, about 21,000 tons.

The meeting then adjourned until 3.30 p. m., December 24, 1921.

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**EIGHTH MEETING, COLUMBUS ROOM, PAN AMERICAN UNION BUILDING, SATURDAY, DECEMBER 24, 1921, 3 P. M.**

**PRESENT.**

United States, Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz.

British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, (For Canada), Sir Robert Borden, Accompanied by Mr. Wright, Mr. Clark, (For Australia), Senator Pearce, (For New Zealand), Sir John Salmond, (For India), Mr. Sastri, Accompanied by Sir Maurice Hankey, Captain Little, Captain Domville, Mr. Christie.

France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Captain Odend'hal, Mr. Ponsot.

Italy, Senator Schanzer, Senator Polandi Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Cesia di Vegliasco.

Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Captain Oyeda. Accompanied by Mr. Ichihashi, Commander Hori.

The Secretary General, Assisted by Mr. Cresson and Mr. Wilson; Mr. Camerlynck and Mr. Talamon, Interpreters.

1. The eighth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building at 3 p. m. Saturday, December 24, 1921.

2. There were present for the United States, Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Christie; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi, Commander Hori.

The secretary general, assisted by Mr. Cresson and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon, interpreters, were present.

4. The chairman (Mr. Hughes) said that the committee would now proceed from the point reached in the discussion before the recess, when he had modified the American proposals concerning submarine tonnage.

Mr. Balfour stated that in so far as the British delegation was concerned they accepted the proposal as set forth by the chairman.

Admiral de Bon said that he had on the previous day explained that a submarine force composed of 90 boats only corresponded to 15 to 20 units ready for action. This, he said, was a minimum limit for a submarine fleet and was in no way to be considered a figure of speech. To speak, therefore, of reducing the French force below this limit was equivalent to abolishing the whole French program and opening a door to a fresh discussion of the whole problem considered that morning. The new figures proposed were so far below those contemplated by the French instructions that the French delegation was unable to accept them and must refer the whole matter to their Government.

Senator Schanzer said that his colleagues were acquainted with the principles upon which, according to his opinion, the solution of the problem of naval armaments must be based. These principles had been laid down ever since the first meeting of the committee: they had been accepted and could not be departed from even today.

These principles were the parity of the Italian fleet with all other large neighboring fleets and the reduction of naval armaments to the quantity strictly necessary for a defensive naval policy.

The above principles had been applied in regard to capital ships; they must also be applied with regard to the other categories of naval armament.

He added that, in view of the entirely special conditions of Italy's maritime position, she could claim, without being accused of advancing excessive demands, an even greater proportion with regard to categories other than capital ships, such as submarines and light craft.

He appealed to the explanations which Mr. Balfour himself had made yesterday in his eloquent speech in reference to Italy's almost insular geographical situation, in consequence of which she depended on the sea for her supply of food and of the most indispensable of her raw materials, and the extent of whose coasts exceeded by far that of all other countries in the Mediterranean.

It was also true that the conditions of her submarine flotilla were absolutely insufficient from a technical point of view.

Despite the limited field of operations in the Adriatic Sea and the proximity of the enemy's naval bases to her own (roughly 100 miles). Italy found during the war that her submarines were insufficient, both with regard to their field of action and to their habitableness; in other words, they were too small for efficient use, and Italy was indebted to the cooperation of French and British submarines for having been able successfully to meet the situation.

Since the armistice Italy had demolished as many as 30 submarines; she was actually left with 43 units in active service and 4 under construction, the total amounting to 20,250 tons.

Only 10 of the first units could be considered of any utility, since they were of more than 700 tons displacement; the others would have to be successively replaced. Although some naval technical authorities in Italy believed that the allotment of submarine tonnage should not necessarily be proportionate to that of capital ships, and that the quota of 31,500 tons for submarines corresponding to the American proposal of a tonnage of 175,000 in capital ships was not sufficient, the Italian delegation was ready, in the interest of reduction of armaments, to accept this amount, upon the condition of parity with France.

The principle of parity had been fully accepted by France, and Senator Schanzer took this occasion to observe that the friendly attitude of the allied nations would greatly contribute to strengthen the cordial relations of friendship between France and Italy which constituted one of the principal guarantees of peace in Europe.

The Italian delegation were convinced on the other hand that, considering the particular conditions which had been pointed out, the chairman would have no difficulty in agreeing that the total tonnage of Italian submarines should be fixed at the above mentioned limit of 31,500 tons, on the well-understood condition, that the same limit should be accepted by the neighboring nation.

Concerning this point they had precise and categorical instructions from their Government.

The chairman stated that Senator Schanzer's suggestion was entirely acceptable. The situation now appeared to stand as follows: The United States of America and Great Britain were willing to accept as a maximum for submarine tonnage the figure of 60,000 tons. The French delegation was not able to formulate its demands and would not be able to do so until they received instructions from their Government. The Italian delegation was willing to accept 31,500 tons as a maximum, providing that Italy was put on a parity with France.

Mr. Hanihara then said the Japanese delegation had been profoundly impressed by the able and powerful arguments of their most esteemed British colleagues against submarines which it had been not only a privilege but an inspiration to listen to. And yet the Japanese delegation was unable, he had to confess, to convince itself that the submarine was not an effective and necessary weapon of defense.

The Japanese delegation hoped that it had made clear, at the time when the provisional agreement was reached between the United States, Great Britain, and Japan on the question of the capital ship ratio, that the acceptance by Japan of the ratio of 5:5:3 meant for Japan a considerable sacrifice. Yet, because of her desire to contribute toward the achievement of the great object for which the conference had been called, Japan finally accepted the said ratio under various great difficulties. In the same manner Japan was prepared to accept the same ratio in regard to submarines. That would have given Japan 54,000 tons. So far as Japan is concerned this figure was considered as the minimum of submarine tonnage with which the insular position of Japan could be adequately defended.

The new proposal was to allow the United States and Great Britain 60,000 tons each, while France, Italy, and Japan were to maintain the status quo in regard to their respective submarine tonnage. In other words, under this new plan, Japan would be allowed to have only 31,000 tons. That was considered by the Japanese delegation to be wholly inadequate for Japan's defensive purposes.

The Japanese delegation, therefore, felt constrained to insist upon the assignment of the tonnage proposed in the original American project, i. e., 54,000 tons of submarines.

Without wishing for a moment to debate or to call in question any part of the arguments so ably and so eloquently presented by the various delegates, Mr. Hanihara hoped that he might be permitted to point out that this demand on the part of Japan was actuated solely by consideration of defense. Japan was geographically so remotely situated that it must be evident to all that her submarines could not constitute a menace to any nation.

The chairman said he did not know whether it would be possible to make further progress that afternoon, in view of the fact that it was necessary for the committee to hear first from their French colleagues regarding the proposals which had been made. That matter had first to be cleared up. Their Japanese colleagues still asked for 54,000 tons even in face of the American and British reduction from 90,000 to 60,000 tons. The situation, he believed, had been clarified as far as possible at the present meeting. He asked whether further discussion was desired; unless so desired, he proposed postponing the matter until Monday or Tuesday.

Mr. Balfour then said that as the committee appeared to be at the end of their day's program he would like to ask the chairman and his colleagues whether a technical examination should not be initiated of the system of naval tons and the measurement of tonnage. He had been brought to make this suggestion by a discovery made somewhat late in the day, that although there had been much talk of "tons," different nations did not always mean the same thing. The United States had one method of measurement, the British an-

other, the French a third, the Italians a fourth, and the Japanese a fifth. He did not say that it mattered very much in ordinary circumstances which system of tonnage was employed; but now that international arrangements were being made for the future he thought it eminently desirable and almost indispensable to settle two questions. First, to decide the system of measurement of tons for incorporation in the treaty; and, second, to adopt a system which could be measured without difficulty and, above all, without any international misunderstanding as to its precise meaning. Nothing could be more unfortunate than a controversy arising as to what ton was intended, how the measurement was to be made, and whether the measurement had been properly and honestly reached. He suggested this question might with advantage be referred to technical experts. Although he believed that this matter was outside the range of thought of the ordinary naval officer, yet he believed that among the various delegations people could be found who could reach a proper conclusion. This would be a fitting corollary to the labors of the conference, which in many respects had already been brought to a satisfactory conclusion. Whether the total tonnage should be a multiple of that of the largest ship he did not venture to say, but he thought all would agree that to establish exactly what a ton meant must be desirable. How this inquiry, if approved, should be carried out he would gladly leave to the discretion of the chairman.

The chairman said that the matter of tonnage had already been informally discussed; the British, with their legend ton, according to Mr. Balfour, came within 4 or 5 per cent of the American ton, and Admiral Kato had said that the Japanese ton was even closer to the British than the American. The chairman said he thought the suggestion of great importance; while the difference was not great, the method of arriving at the calculation was the question on which it was necessary to agree. He suggested that a subcommittee of experts should determine upon the standard ton. If it were agreeable to the committee, he would suggest that each of the delegations appoint two naval experts for the purpose of arriving at a definite conclusion in this matter. This procedure was agreed to and the following subcommittee on naval tonnage was named:

United States: Admiral Taylor, Admiral Pratt.

British Empire: Rear Admiral Sir Ernle Chatfield, Instruction Commander Stanton.

France: Capitaine de Vaisseau Frochot, Capitaine de Vaisseau Dupuy-Dutemps.

Italy: Vice Admiral Baron Acton, Commander Prince Fabrizio Ruspoli.

Japan: Vice Admiral Yamanashi, Lieut. Commander Taji.

Mr. Sarraut stated that, in view of the fact that the new American proposal contemplated a considerable reduction in the submarine tonnage which appeared necessary to the French Government, the French delegation could not do otherwise than await instruction.

The chairman said that it was so important to have full deliberation with respect to the matters raised that he wished in no way unduly to hasten the matter. Moreover, unless it was certain some useful work could be done, it would be better to take a holiday, in order not to subject the members of the committee to possible unnecessary inconvenience. An adjournment until Tuesday morning



second in order, and he would set the time of the next meeting for Tuesday, December 27, 1921, at 11 a. m.

Mr. Sarraut said that before adjourning he wished to refer to ~~one more~~ matter—the delegates were well aware that all were subject to the solicitations of the press in the very natural desire of these gentlemen to be fully informed with respect to the news of the conference. The French delegation deemed it their duty to revise the somewhat copious report of the last sessions before publishing the same. He then asked whether the secretary general would not be the proper person to charge with transmitting the texts which the delegations might desire to have published.

The chairman said that an important distinction must be observed between what was stated outside to newspaper men and that which concerned the communiqué. The former lay in the discretion of the delegates; the latter was an official statement, an abstract of what had passed, subject to the discretion of the committee. In order that each delegation might be correctly represented, he assumed that the secretary general arranged for a revision of their remarks in order that the statements of their official communiqué might be deemed accurate. This seemed to be entirely in accord with Mr. Sarraut's desire.

The other delegations formally agreed to the above.

The chairman added that it was not his intention to confine to the secretary general the statements to be given out. The delegations were free to give out what they wished privately, but the official statements issued by the secretary general must above all assure accuracy and completeness, with the aid of the secretaries of the various delegations. The chairman asked for comments upon the above, but no remarks were made.

The meeting then adjourned until Tuesday, December 27, 1921, at 11 a. m.

#### NINTH MEETING.—WEDNESDAY, DECEMBER 28, 1921, 11 A. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Colonel Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Knowles.

*France.*—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

*Japan.*—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general. Assisted by Mr. Pierrepont, Mr. Osborne, and Mr. Paul.

Mr. Camerlynck and Mr. Talamon, interpreters.

1. The ninth meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Wednesday, December 28, 1921, at 11 a. m.

2. There were present: Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz (for the United States); Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield (for the British Empire); Sir Robert Borden (for Canada); Senator Pearce (for Australia); Sir John Salmond (for New Zealand); Mr. Sastri (for India); Mr. Sarraut, Vice Admiral de Bon (for France); Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton (for Italy); Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda (for Japan).

3. Secretaries and advisers present included: Mr. Wright, Mr. Clark (for the United States); Sir Maurice Hankey, Capt. Little, Capt. Domvile, Mr. Knowles (for the British Empire); Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot (for France); Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Ceslia di Vegliasco (for Italy); Mr. Ichihashi (for Japan).

The secretary general, assisted by Mr. Pierrepont, Mr. Osborne, and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman (Mr. Hughes) announced that the committee was ready to continue the discussion with respect to submarines.

Mr. Sarraut, on behalf of the French delegation, read the following statement:

"At the last meeting of the committee, and as the outcome of the examination of the submarine question, a proposal was made to fix for each of the nations represented in the conference the submarine tonnage that they might possess. Instead of the 90,000 tons required by France, it was proposed that this tonnage should be limited so far as France is concerned, to 31,500 tons.

"Confronted by such a considerable reduction of the figures which had been given as the minimum of what France considered necessary for herself in the future, the French delegation was obliged to refer the matter to its Government.

"At a meeting of the cabinet and of the supreme council of national defense the situation was examined and discussed with the most earnest desire to do whatever seemed possible to further the aim of the conference and assist in reaching results.

"This deliberate intention has been carried out in the resolution passed at the meeting as regards capital ships.

"As a token of the readiness of France, it has been resolved to accept the reduction to 175,000 tons of her tonnage of capital ships, although it seems practically impossible with such reduced tonnage to constitute a naval force composed of ships such as those which it is contemplated to build, and one normally organized, according to the tactical principles in force in every fleet.

"The conditions of application of the agreement as regards capital ships, will be easy of settlement by taking into account such quali-

fications of it as may usefully be introduced, in carrying out the naval holiday, with regard to freedom of action in laying down, as from 1927, ships intended to replace, within the limits of the admitted tonnage, French ships as they reach their twentieth year of existence.

"It will be likewise easy to settle the question still outstanding, of the duration of the agreement as to limitation of capital-ship tonnage.

"After examining, on the other hand, the composition of the forces needed by France in auxiliary craft and submarines, which are specially intended for the protection of her territory and its communications, the cabinet and the supreme council of national defense have reached the conclusion that it is impossible to accept a limitation below that of 330,000 tons for auxiliary craft and 90,000 tons for submarines, without imperiling the vital interests of the country and of its colonies and the safety of their naval life.

"The French delegation has been instructed to consent to no concession in regard to the above figures.

"To sum up, France accepts, as regards capital ships, the sacrifice which she must face in order to meet the views of the conference, and which represents an important reduction of her normal sea power. She limits her program for the future composition of her fleet to 330,000 tons for auxiliary craft and to 90,000 tons for submarines.

"While regretting that she can not possibly, under the present circumstances, entirely carry out the reductions and limitations contemplated in the American proposal, she at least feels quite certain that she is taking an important share in the work of the conference, by reducing the French naval power in capital ships, a weapon specifically offensive and particularly costly, and by accepting a limitation for craft of other categories."

The chairman said that the committee had heard the statement on behalf of the French Government; it was a definitive statement made after careful deliberation and he assumed that it should be accepted as the final expression of the attitude of the French Government in regard to the limitation of naval armament. He was greatly gratified at the willingness of the French Government to limit the tonnage of their capital ships to 175,000 tons. He felt that the importance of this statement should not in any way be minimized. Capital ships were the chief weapon of offense. If the conference could succeed, as it was now evident that it would, in reducing in a fairly satisfactory manner armament as represented in capital ships, it would have done much to relieve the burden of taxation and would aid in establishing a better basis for a lasting peace. He wished to repeat that he was highly gratified, and appreciated the manner in which the problem had been approached by the French Government. He understood that there were, however, certain reservations with respect to replacements and the duration of the agreement. These matters must receive further consideration and be the subject of continued negotiations.

He confessed that he was disappointed with the statement concerning submarines and auxiliary craft. If submarines were to be available for distinctly defensive purposes in connection with the movements of fleets, it would seem that they should bear some

definite proportion to the fighting fleets; that is, if they were to be used in connection with the laying of mines, scouting, etc.—the necessities inherent in large defensive preparations—they should bear some relation to the operations of the fleet as a whole. The suggestion that France should have 90,000 tons of submarines would, on any basis of a practicable ratio, involve the assumption that Great Britain and the United States should greatly increase their submarine tonnage. This could hardly be called a limitation or reduction. Furthermore, if a large number of submarines were to be provided, then cruisers and destroyers, the natural enemies of submarines, would have to be provided in numbers adequate to deal with the situation created by a large submarine fleet. It was a serious question whether there was hope of accomplishing anything like limitation in regard to submarines and auxiliary craft. He understood that the attitude of the French Government was that, regardless of the requirements of other nations, 90,000 tons of submarines was deemed to be the minimum essential for France. If this were so, the suggestion of 330,000 tons of auxiliary vessels for France would have its bearings on what was considered necessary for the other nations and might make it difficult to arrive at an agreement limiting submarines and auxiliary craft. He did not desire at this time, and in view of the existing situation, to discuss details, but he wished to say that an agreement for the expansion of armament was not under consideration. The conference was called to consider the limitation of armament. He left it for the committee to decide in the light of the very definite statement of the French Government what was practicable to be done.

In conclusion he wished to say that in expressing his disappointment in regard to submarines he did not wish in any to detract from the importance of the definite acceptance by France of the program for capital ships. This was a matter of the first importance, and he could assure his French colleagues that their attitude was cordially and sincerely appreciated.

Mr. Balfour admitted, as the chairman had justly pointed out, that there was a side to the statement just made by their French colleagues which profoundly disappointed him. The French position with regard to disarmament on land they already knew. What was their position with regard to disarmament on sea? They were prepared, and he rejoiced that they were prepared, to accept the ratio which gave them 175,000 tons of capital ships. He was glad that the French Government had accepted that all-important part of the American program, and he agreed that if nothing else was done by the conference in reference to naval disarmament, the scheme already in sight with regard to the limitation of capital ships did immensely relieve the burden of armament upon an overburdened world. He did not feel himself that the sacrifice on the part of France was in itself of an overwhelming character, even in regard to capital ships, for the thought that if the naval strength of a nation was to be estimated in relation to the naval strength of other nations, it would be found that the relative strength of France under the arrangement already accepted in regard to capital ships would be increased. He did not begrudge her that increase; he rejoiced in it.

But when he turned from the matter of capital ships to the matter of other craft he confessed that a very different picture met the

eye. The French proposed to increase the number of submarines threefold. If they carried out that intention, it was evident that they would not only be equal to the other two greatest naval powers, America and Britain, in point of tonnage, but that they would have a very much larger proportion of submarines of a newer type than either of them. He understood the submarine was still in process of development; it was still adding to its powers of offense, and each new model was an improvement on the capacity of its predecessors for commerce destruction. Thus it was certain that when that program was carried out the French quota of submarines would exceed that of any other power in the world. It had further to be noted that their French colleagues accompanied their view of the necessity of submarines with the announcement that they intended greatly to increase the tonnage of their auxiliary craft. It must be acknowledged that this constituted a somewhat singular contribution to the labors of a conference called for the diminution of armament. Considered in connection with the refusal of the French delegation to discuss land armament, this position must cause anxiety and disappointment to those who had come to the conference with high hopes regarding the limitation of naval armament. Furthermore, it had to be observed that the pleasure derived from the agreement with regard to the limitation of capital ships was subject to qualification. He understood that the French intended to begin replacing ships in 1927.

This seemed to be a serious interference with the proposal for a 10 years' naval holiday, but that was only a small part of the anxiety and disappointment which the French program had created in his mind. They had now come forward with a great building program of submarines and auxiliary craft. He was perfectly unable to conceive how that could be regarded as a defensive policy. If submarines were to be used as a strictly military weapon, in the manner contemplated by the American advisory committee, how came it that a fleet of capital ships limited to 175,000 tons required 90,000 tons of submarines to scout for it and protect it? And if 90,000 tons of submarines were really required for a fleet of 175,000 tons of capital ships, how many submarines would America and Britain require to build to assist their fleets of 500,000 tons? It was perfectly obvious that the proposed 90,000 tons of submarines were intended to destroy commerce. They could not be intended for any other purpose. It therefore appeared that, at a moment when the delegates were all assembled to discuss the limitation of armament, they were asked to agree to its increase, and that a country which did not desire to be among the first three naval powers in the world proposed nevertheless to build instruments of illegitimate warfare to an extent equal in numbers and superior in efficiency to those legitimately required by any other fleet in the world. We should, therefore, have the melancholy spectacle of a conference called for the limitation of armaments resulting in a vast increase in the very weapon which the most civilized elements in all civilized countries condemned. For the moment he need say no more. The whole of this controversy would again come up before the public conference. For that occasion he reserved himself.

He must, however, dwell shortly on the effect which the French declaration of naval policy must inevitably produce upon British

opinion. It was perfectly clear that if at Britain's very gates a fleet of 90,000 tons of submarines (60,000 tons of which were to be of the newest type) was to be constructed, no limitation of any kind on auxiliary vessels capable of dealing with submarines could be admitted by the Government which he represented. Public notice had now been given in the most formal manner that this great fleet was to be built on the shores nearest to Britain, and it would necessarily be a very great menace to her. He had no doubt, if the occasion ever arose, that Britain would be equal to it, but it was on condition that she reserved the full right to build any auxiliary craft which she considered necessary to deal with the situation.

Senator Schanzer said that the Italian delegation did not dispute the importance of an accord with respect to capital ships, but they could do no more than to express their deep regret that it was not possible to arrive at an arrangement concerning auxiliary boats and submarines.

In the absence of an agreement concerning the limitation of the latter, it was but natural that each nation should retain full liberty of action. At the same time it was impossible not to realize that the absence of such an agreement would give new impetus to the competition of naval armament respecting auxiliary craft and submarine which could only have a most unfortunate effect on the finances of the countries interested. It was not his intention to discuss what France considered necessary for her national security; but he would not attempt to conceal the fact that the naval program announced by France was one which gave him serious concern from the point of view of the economic sacrifices which might follow for Italy, as well as from the point of view of the political consequences which it might produce. This was all the more true because the solution of the land armament problem had been deferred.

The chairman said he gathered from what had been said that it was not deemed practicable to reach an agreement on the basis suggested by his French colleagues, and that it was apparent that other powers desired freedom of action with regard to the construction of auxiliary craft which would be built to deal with submarines.

He assumed that Mr. Balfour, in referring to the entire liberty of action of Great Britain in this respect, did not intend to include capital ships, nor did he understand that it was intended to build, under the guise of auxiliary ships, vessels which might possibly come within the category of capital ships.

He desired to present, for the consideration of the committee, the suggestion that, if it was not possible to reach a satisfactory agreement for the limitation of the total tonnage of auxiliary craft, some arrangement might perhaps be made defining the tonnage limit of individual ships. He therefore desired to propose the adoption of the following resolution:

"No ship of war other than the capital ship or aircraft carrier hereafter built shall exceed a total tonnage displacement of 10,000 tons and no guns shall be carried by any such ship with a caliber in excess of 8 inches."

Mr. Hanihara said that he desired to be permitted to say a few words in order to avoid possible misunderstanding as to Japan's attitude with regard to the question of naval limitation. The Japa-

nese delegation believed that by the agreement which had been reached as to the ratio of capital ships a great step forward had been made toward the attainment of the high aim of the conference, thereby relieving the powers concerned of the heavy burden of costly armament. At the same time they thought it would be a misfortune if the conference failed to come to an agreement as regards the limitation of auxiliary combatant craft. The Japanese position was not to claim freedom to build auxiliary combatant craft, but, generally speaking, to maintain the tonnage allotment of auxiliary craft provided in the original American proposal of November 12 in order that an agreement might be reached as between the powers concerned on this basis and that full and final success of the conference might thus be assured.

Mr. Sarraut said that the decisions of the French Government, which he had had the honor of imparting to the conference, had just given rise to certain observations which he could not allow to go unanswered. If this reply had not been immediate, it was because he wished first to hear the remarks of each delegation regarding his statement.

To speak frankly, he was not there to make comment on the orders of his Government, which possessed an authority and a weight which sufficed in themselves; the decisions which he had just communicated to the committee had been carefully considered by the highest authorities representing national sovereignty in his country from whose hands he had received them respectfully and had brought them, just as they stood, to the conference.

It was his duty, however, and he performed this duty in the perfectly friendly spirit which had never ceased to animate the French delegation, to take up the allegations which had just been made, certain ones of which he found wholly unacceptable.

Certain delegations, while expressing their satisfaction at seeing France accept the reduced proportion of capital ships which had been allotted to her, had expressed real disappointment on learning that the French Government was unable to make similar sacrifices in regard to other classes of vessels.

Mr. Sarraut wished to say that this disappointment, if it existed, must already have had its counterpart in his own country when it was learned there how the amount of tonnage allotted to France had been authoritatively determined without taking any account of her manifest and ascertained needs and of the absolute necessities of her defense, the security and safeguarding of which no country was justified in intrusting to the care and good offices of its neighbors.

It was this idea, this conception of the true needs and interests of France and of her colonies, which had inspired the decisions of the French Government; it was this idea which both guided and limited their demand; and this idea was in no way influenced by any comparison with what France's neighbors were doing or by any anxiety to measure her naval force against theirs.

Herein lay the profound difference between the French point of view and that of others. France had not determined upon her needs and her demands after examining the consequences to the French Navy of the increase of the naval power of certain neighboring countries with whom she maintained, under the happiest of con-

ditions, relations of friendship, cooperation, and alliance. France was not guided by any fear of what their strength might be, precisely because they were friends. Great Britain with her 525,000 tons of capital ships would possess a fleet of great vessels stronger than the corresponding fleets of France and Italy put together. France, however, did not take offense at that. She was not in any way haunted by this prospect, any more than she was apprehensive of the fact that the fleets of the other friendly nations, the United States and Japan, would be considerably increased in comparison with her fleet.

Why, then, it had been asked, was a submarine fleet such as was demanded by France, a necessity for her? Did France quibble over the needs of the others? Did she call into question their possible intentions? Did she suspect them? Assuredly not. It was not only the right but the duty of each country to assure its safety by its own means, and it was perfectly possible to consider this problem without being haunted by the idea of a possible aggression on the part of a neighbor. That others should apply to France such a method of reasoning while she did not think of applying it to them could not possibly be permitted. This would be still more painful to the French delegation and would appear to them more especially inadmissible at this table around which they and their colleagues were gathered in a spirit of the most cordial cooperation, and at the very moment when, in bringing the answer of France in regard to capital ships, they were furnishing the most positive proof of the effective participation of their country in the success of the great ideals of peace aimed at by the conference.

If the answer of the French delegation in regard to other categories of vessels was not the same as for the capital ships, it was because of the tonnages which they had indicated corresponded to material needs of defense, to necessities of protection which must no longer be denied, since they would not cease to emphasize them. France had no desire to destroy merchant vessels, as Mr. Balfour had said; the contrary had formally been declared here, and this declaration had been echoed not later than yesterday in the debates which took place in the French Senate. But France had coast lines which she must defend; above all, she had a great colonial domain, second in importance only to that of Great Britain, which was distributed over all the seas, and concerning which she might have, Mr. Surraut presumed, anxiety in regard to its defense, its police, and its supervision.

France had the duty of safeguarding the communications of these colonies with the mother country, and as he had already said, in case of war safety of transportation to France of her troops over-seas would be among the first of her obligations. This was not a mere theory. Had it not been seen how, in the last war, a belligerent had transformed merchant ships into auxiliary cruisers or into privateers to torpedo French transports; and had not this been done against all the allied navies? And should it cause surprise here to see the minister of colonies of France take account of colonial considerations and call to mind that France's colonial empire, though some would seem to be ignorant of the fact, really existed, and that its needs, as well as its interests, must be strongly affirmed, defended,



protected, especially in regard to safety of communications with the mother country?

Mr. Sarraut said he must reiterate that the French delegation was bound by formal instructions from their Government; this was a fact of which he wished to remind the committee anew. They could not deviate from these instructions. He wished to repeat again that it was impossible for them to hear it said, without protesting to the contrary, that there was an inevitable and necessary correlation between what France was obliged to do and what her neighbors as a result would deem themselves obliged to do. Nor did he admit that there was an indispensable and logical connection between the proportion of a country's naval force in capital ships and the proportion of its auxiliary craft and submarines. That was an abstract rule which it had been felt should be laid down here. But the French delegates had shown why they could not recognize it. They were guided by the needs of France, duly stated, proved, and fully justified. This rule, and no other thought, had dominated their feelings on the question of submarines. They objected to having it believed or to having it said that the construction by France of a certain tonnage of submarines as a defensive weapon could be considered as a menace to any of her friends. If such a thought were to weigh all too heavily on the deliberations of the conference, if he found himself obliged to defend his country here against such a suspicion, the result would certainly be the elimination of the hopefulness and the enthusiasm with which he had so far collaborated in the work of relieving the burden of armaments, in accordance with the desire of France as clearly manifested by the sacrifice to which she had consented in the matter of capital ships. But, to tell the truth, he was not likely to be discouraged in this matter. The work was too beautiful and too generously humanitarian for the determination of the French delegation ever to grow weary in their endeavors. They would remain faithful to the end to the noble aims of the conference.

Mr. Balfour assured Mr. Sarraut that he was the last man in the world whom he (Mr. Balfour) would suspect of hostile intentions toward her country, but the speech which Mr. Sarraut had just delivered was sufficient to show that he had not really understood the way in which Britain regarded the question now under consideration. Mr. Balfour begged him to consider one or two elementary facts without which he would not understand the position taken up by the British Empire delegation. While it was almost unthinkable that their respective countries could be on anything but the most cordial terms, one must not overlook the teachings of history. Britain had had many conflicts with France, though happily in the distant past. Britain had always been superior in naval armament, and always inferior in land forces. Never in the history of France had she had to fear the power of Great Britain to strike a blow at her heart. In the nature of things that must be so. No inferior military power had ever yet been able to invade or seriously imperil a superior military power merely because she had more ships. Suppose the almost inconceivable happened, and close allies became enemies—it was perfectly clear that in that case no British superiority of capital ships would imperil the life of France for an hour. But he felt he must admit that it might conceivably imperil some

remote islands belonging to France; but France, with her land armament, would remain secure in the face of superior sea power.

He asked Mr. Sarraut to compare the position of France in the face of a superior British surface fleet with the position of Britain in the face of France with the largest submarine fleet in the world. She could use that fleet, if she chose, for commerce destruction, and it was difficult to believe that in time of stress she would not so use it. If Britain were unarmed against submarines it was evident that France, using that felonious weapon, could destroy her very existence. Therefore it was quite impossible for Britain to treat the submarine fleet with the serene and friendly philosophy shown by Mr. Sarraut in connection with the British fleet of capital ships. Mr. Sarraut talked of the absolute necessity for France of possessing a fleet of 90,000 tons of submarines. For what purpose? Not to cooperate with a fleet of 175,000 tons of capital ships. It was altogether out of proportion. What did he want the 90,000 tons of submarines for? According to Mr. Sarraut, it was not for commerce destruction, it was for the protection of France's lines of communication. There was no doubt that submarines were powerful for the destruction of lines of communication; but they were powerless to protect them. Mr. Sarraut would not obtain security for his lines of communication by those means. For those purposes they were useless, or nearly useless. They were powerful weapons for one purpose, and for one purpose only, namely, the destruction of commerce; and it was not unreasonable that Great Britain, when threatened by the establishment within a few miles of her coasts of a vast fleet of submarines which were of no use except to destroy commerce, should say candidly that she could not look with indifference upon the situation which would be thus created.

He regretted that he had been compelled to insist upon an aspect of the question which he would gladly have left undealt with. He did not yield to Mr. Sarraut in his conviction that the good feeling existing between his own country and their great ally across the Channel would remain unshaken through all the changes which time might bring.

With regard to the resolution which had been proposed by the chairman, he desired to intimate that Lord Lee would address the committee on that subject.

Lord Lee said he would pass to the resolution which the chairman had proposed a few minutes before, and which he hoped would be regarded by his colleagues as noncontroversial. It was, indeed, a necessary corollary of the agreement to limit capital ships, that there should also be a limitation on the size of other classes of ships. Otherwise it would be possible to build so-called light cruisers which would be capital ships in disguise and which would impose upon the world a fresh competition of armament which would be as costly as that which had preceded it. He understood there had been a certain amount of conversation between the naval experts of the countries represented at the conference, and he was led to suppose that there was an agreement that 10,000 legend tons—or whatever kind of tons were agreed upon—would be a reasonable maximum size for all ships other than capital ships or aircraft carriers. He thought also that there was a general agreement regarding the limitation of

guns to 8 inches. So far as Britain was concerned, she had no gun in excess of  $7\frac{1}{2}$  inches. He understood France had a gun of an approximately similar size, namely, 7.6. That seemed a reasonable figure to fix, but if for any strong reason it was desired to fix 8 inches Britain would not oppose any serious objection to that size. He thought it was essential that the limitation of armament should apply also to the aircraft carrier; otherwise, while prohibiting capital ships, one might have what would be in effect a capital ship with the addition of flying appliances. He did not want to discuss, on this occasion, the matter of the limitation of tonnage of the aircraft carrier, but he thought the resolution should be amended to read as follows:

"No ship of war other than a capital ship or aircraft carrier hereafter built shall exceed a total tonnage displacement of 10,000 tons, and no gun shall be carried by any such ship, other than a capital ship, with a caliber in excess of 8 inches."

The chairman stated that the American Government had no objection to the amendment proposed by Lord Lee.

Mr. Hanihara said he would like to have further discussion postponed until the afternoon or the following morning.

The chairman asked what was the pleasure of the committee. He assumed that what had been said that morning could be given to the press, each delegate having the privilege of looking over and correcting his own remarks, as they were to appear in the statement to the press.

Senator Underwood said that the subcommittee on Chinese revenue was to hold a meeting in the afternoon; he would therefore have to absent himself from the afternoon meeting of the committee.

The meeting then adjourned until Wednesday, December 28, 1921, 3.30 p. m.

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#### TENTH MEETING—WEDNESDAY, DECEMBER 28, 1921, 3.30 P. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coortz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir. Maurice Hankey, Capt. Little, Capt. Domvile, Mr. Flint.

*France.*—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco.

*Japan.*—Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The Secretary General, assisted by Mr. Cresson and Mr. Osborne. Interpreter, Mr. Camerlynck.

1. The tenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building, on Wednesday, December 28, 1921, at 3.30 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and technical advisers present included the following: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domville, Mr. Flint; for France, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Celesia di Vegliasco; for Japan, Mr. Ichihashi. The secretary general, assisted by Mr. Cresson and Mr. Osborne, was present. Mr. Camerlynck (interpreter) was also present.

4. The chairman, Mr. Hughes, said that the meeting was ready to proceed with the discussion of the resolution, as amended by Lord Lee, as follows:

"No ship of war other than a capital ship or aircraft carrier hereafter built shall exceed a total tonnage displacement of 10,000 tons, and no gun shall be carried by any such ship other than a capital ship with a caliber in excess of 8 inches."

Admiral de Bon said he did not see the reason for the limitation of tonnage proposed by the resolution just read. It was apparently aimed at avoiding a confusion between cruisers and capital ships. The difference, however, Admiral de Bon believed, lay mainly in the caliber of the guns. If a vessel was not armed with guns superior to 8 inches, it fell naturally into the cruiser class. Why, therefore, create another distinction in tonnage which might be inconvenient?

Admiral de Bon explained further that it was his understanding that the conference contemplated that cruisers would be used as a means of communication with colonial possessions, and in this respect long distances must be covered. These vessels should, therefore, be able to offer sufficient conditions of well-being for their crews and passengers. In order to offer proper conditions of stability, they might also require a tonnage superior to 10,000 tons. When the difference between cruisers and capital ships had already been fixed by settling a maximum for the caliber of their guns, the admiral said that a priori he could see no sufficient reason for further restrictions. He was, however, merely anxious to elucidate the question, and this was the reason for his remarks.

Lord Lee explained to Admiral de Bon why he had considered it desirable to limit the size of cruisers. He agreed with Admiral de Bon that if the caliber of the guns was limited it was not likely that a cruiser could be designed which in effect would amount to a capital ship. One main object of this conference, however, was to limit not only armament but the expenditure on armament. The

possibility of a cruiser of 20,000 or 30,000 tons, bristling with 8-inch guns, and possibly large enough to carry large bodies of troops to the colonies, was one which could hardly contribute toward the object he had just named. Great Britain, for example, was not in a financial position to bear the burden of such an expenditure. Admiral de Bon had said that 10,000 tons was rather small from the point of view of commodiousness and habitability. Speaking as a layman, the larger the ship he had to travel in, the better was he pleased. He understood, however, that 10,000 tons was a very ample size for a cruiser, and this figure had been selected because at the present time no light cruisers of even this tonnage were being built in any country, and the British delegation therefore thought it was a good opportunity to put an end there and then to the development of this type of vessel. He was under the impression that the allowance was very liberal, in view of the tonnage being adopted for cruisers now under construction, and he hoped it would not be exceeded.

The chairman, referring to Lord Lee's remarks, said that he was advised that the new cruisers now building for the United States Government were of 7,500 tons burden. He had just been informed, subject to correction, that the French light cruisers were of 8,000 tons. Unless, therefore, an endeavor was being made to expand navies, it would be a wise thing to fix a limit which was only slightly larger than the navies were now providing, and thus reach an agreement as to what would be reasonable for these craft.

The chairman asked whether the committee was ready to dispose of the matter or wished to postpone further discussion of it.

Vice Admiral Acton said that the Italian delegation very well understood the spirit which underlay the American proposal and the aim toward which it tended. A tonnage limit for ships other than capital ships must be fixed and the conditions of armament must be defined. They could, then and there, accept the caliber of 8 inches. In regard to the tonnage of auxiliary craft, the Italian delegation had telegraphed to their government and was awaiting instructions.

Mr. Hanihara said that as far as the Japanese delegation was concerned there was no essential objection to the adoption of the proposed resolution, particularly as to the limitation of the caliber of guns to be carried by light cruisers. He did not wish to delay matters, but Admiral Baron Kato expected to be present at the next meeting of the committee and he would greatly prefer it if formal action could be postponed until then.

The chairman said that, with the committee's permission, the discussion of the resolution would be postponed until the next meeting. He understood the present state of mind of the committee to be that there was no objection so far as the caliber of the guns was concerned, but that certain reservations, but no decided objections, had been made concerning tonnage. Definitive discussion of that matter would therefore be postponed and the committee would then necessarily come to the subject of aircraft carriers. Before leaving the question of the submarine, however, he suggested that the committee return to the consideration of the appropriate action to be expressed by the powers concerned as regards the illegal use of submarines. As the committee was aware, it had been suggested that a resolution be proposed dealing with the present rules

of law obligatory on submarines and with respect to the improvement and amendment of existing laws. He said he would ask Mr. Root to bring the matter to the attention of the committee.

Mr. Root said that the resolutions he was about to read were based on two lessons taught by the Great War. One fact which seemed very clear was that mere agreements between Governments, rules formulated among diplomats in the course of the scientific development of international law, had a very weak effect upon belligerents when violation would seem to aid in the attainment of the great object of victory. This had been clearly demonstrated in the war of 1914-1918.

Another fact established by the war was that the opinion of the people of civilized nations had tremendous force and exercised a powerful influence on the condition of the belligerents. The history of propaganda during the war had been a history of an almost universal appeal to the public opinion of mankind and the result of the war had come largely as a response.

The public opinion of mankind was not the opinion of scientific and well-informed men, but of ill-informed men who formed opinions on simple and direct issues. If the public could be confused, public opinion was ineffective; but if the public was clear on the fundamentals of a question, then the opinion of mankind was something which no nation could afford to ignore or defy.

The purpose of the resolutions he was about to read was to put into such simple form the subject which had so stirred the feelings of a great part of the civilized world that the man in the street and the man on the farm could understand it.

The first resolution, Mr. Root said, aimed at stating the existing rules, which, of course, were known to the committee but which the mass of people did not know, in such a form that they would be understood by everyone.

Mr. Root then read the following:

"I. The signatory powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, declare that among those rules the following are to be deemed an established part of international law:

"1. A merchant vessel must be ordered to stop for visit and search to determine its character before it can be captured.

"A merchant vessel must not be attacked unless it refuse to stop for visit and search after warning.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"2. Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from capture and to permit the merchant vessel to proceed unmolested.

"The signatory powers invite the adherence of all other civilized powers to the foregoing statement of established law to the end that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

This, Mr. Root said, was a distinct pronouncement on the German contention during the war in regard to the conflict between the convenience of destruction and the action of a belligerent under the rules of international law.

Mr. Root then read the following additional resolutions:

"II. The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations, they declare their assent to such prohibition and invite all other nations to adhere thereto.

"III. The signatory powers, desiring to insure the enforcement of the humane rules declared by them with respect to the prohibition of the use of submarines in warfare, further declare that any person in the service of any of the powers adopting these rules who shall violate any of the rules thus adopted, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war, and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any such powers within the jurisdiction of which he may be found."

Mr. Root said that, made between diplomats or foreign offices or Governments, these resolutions would be ineffective; but if they were adopted by the conference and met with the approval (as would surely be the case) of the great mass of the people, the power of the public opinion of the world would enforce them.

It was hardly necessary for him to add that he did not ask that these resolutions should be acted on or discussed until copies of them had been distributed and until the delegates had had an opportunity to examine them.

The Chairman said that Mr. Root's resolutions would be put in form for distribution at once. Any action upon them could be deferred until they had been considered by the delegations. They seemed, however, simple and direct arguments in support of a thesis which had been ably stated. He thought, therefore, it might be the desire of the committee to discuss their general purpose on the spot, leaving their precise language to a later time.

Mr. Balfour said he was sure the chairman was well advised in suggesting that Mr. Root's proposals should be circulated in order that each delegation might examine not only the spirit which animated them but the words in which that spirit had been expressed. So far as he himself was concerned, however, having listened to Mr. Root's admirable exposition, he wished to express not only on his own behalf, but he thought also on behalf of his colleagues, his warm sympathy both with the substance of the resolutions and their form.

Senator Schanzer said that, in the name of the Italian delegation, he could not but express the keenest sympathy for Mr. Root's proposal. Italy, being the birthplace of law, could but regard with the greatest pleasure everything which could contribute to the improvement of international law. The Italian delegates were not in a position at that time to consider the details of the proposed

resolution, but when they were distributed they would be glad to do so with the greatest interest, in the hope that this conference would result in the establishment of provisions dealing with the use of submarines which would safeguard the requirements of right and of civilization.

Mr. Sarraut said that he rose less to comment upon the resolutions which had been read than to render homage to the high and noble spirit of which they were the expression. He especially desired to profit by the opportunity which was offered him to express the feelings of deep sympathy and admiration for Mr. Root which animated the French delegation. The French delegates had not been surprised at hearing the feeling terms in which Mr. Root had denounced the piratical acts committed during the war and against which France had been the first to protest.

In view of these observations, it seemed wise to the French delegates to wait until the document in question had been distributed and until they had been able to examine it with all the attention it deserved.

Mr. Hanihara said that he would be glad to have an opportunity to examine the text of Mr. Root's resolution. It was hardly necessary for him to add anything in regard to the feelings of sympathy and hearty accord with which the Japanese delegation views the aim and spirit of Mr. Root's resolutions.

The chairman said that it seemed to be the desire of the committee, beyond the cordial approval which had been expressed, to have an opportunity to examine and bring forward at a convenient time the proposal which was to be acted upon. The next point to be considered was the subject of aircraft carriers. In the American proposal, made at the opening session, it had been agreed that the total tonnage of aircraft carriers should be fixed as follows:

	Tons.
United States .....	80,000
Great Britain .....	80,000
Japan .....	48,000

If the same ratio for capital ships should be applied to aircraft carriers for France and Italy, the result would be as follows:

	Tons.
France .....	28,000
Italy .....	28,000

The American proposition had added a proviso that no country exceeding the quota allowed should be required to scrap such excess tonnage until replacement began, at which time the total tonnage of airplane carriers for each nation should be reduced to the prescribed allowance. Certain other rules had been proposed.

The chairman added that in view of the fact that aircraft carriers might approach capital ships in tonnage, it would be wise also to set a limit in this respect. It was now proposed not to lay down any ships of this character whose displacement should exceed 27,000 tons. This was the proposition which he now presented for discussion. He said that he thought he should add that what had appeared in the resolution regarding aircraft carriers should be deemed to be the same as that inclined in the resolutions respecting all ships of war except capital ships, i. e., that their guns should not have a



caliber exceeding eight inches. If added to the resolution regarding aircraft carriers the latter would read:

"No airplane carrier shall be laid down during the term of this agreement whose tonnage displacement is in excess of 27,000 tons and no gun shall be carried by any such ship other than a capital ship with a caliber in excess of eight inches."

Lord Lee said he had not anticipated such rapid progress that afternoon and had not expected to reach the subject of airplane carriers. This matter involved very technical considerations; and, if it was convenient to his colleagues, he would prefer to have an opportunity to discuss it with his technical experts before expressing an opinion. In saying this he did not wish to suggest that the British Empire delegation were not in complete sympathy with the principle of the limitation both of numbers and tonnage of airplane carriers. In view of the technical considerations involved, however, he would be glad of a short postponement until to-morrow before expressing a definite opinion on the resolution proposed by the chairman.

The chairman asked whether any other delegates desired to express their views in regard to the proposal, or whether it would be agreeable to adjourn until the following morning and continue the discussion then.

Lord Lee said that he had another question of the same character which he would like to raise, namely, the subject of limitation in the maximum caliber of the gun to be employed on board warships in the future. Perhaps it would be more convenient to the committee if he were to put forward a definite proposal on the subject, but he could say at once that his proposal would take the form of a limitation to the largest caliber of gun now mounted on board any ship of war, namely, 16 inches.

Lord Lee's proposal read as follows: "That no warship shall carry a gun of greater caliber than 16 inches."

The chairman said that the United States Government was ready to accept the proposal, and asked whether the other delegates were ready to express themselves thereon.

Mr. Hanihara accepted the proposal.

Admiral Acton accepted the proposal.

Admiral de Bon made no objection.

The chairman stated that it would therefore be considered as unanimously approved that no warship should carry a gun of a larger caliber than 16 inches.

The chairman stated that he understood that so far as capital ships were concerned the committee was in complete accord except as to the replacement program, upon which subject a chart was being prepared. It would be unwise to discuss in committee such a technical and detailed matter and it was therefore understood that the naval experts would prepare a replacement chart with the understanding that in case any questions of principle or policy arose on which they might not agree, the matter should be referred to the full committee. When that had been done the question of capital ships might be considered as disposed of, and the other questions which had been raised could be discussed on the following day.

The meeting then adjourned until December 29, 1921, at 11 a. m.

## ELEVENTH MEETING, THURSDAY, DECEMBER 29, 1921, 11 A. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright and Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Little, Capt. Domvile, Mr. Mousley, and Mr. Malkin.

*France.*—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, and Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Pierrepont and Mr. Paul.

Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The eleventh meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Thursday morning, December 29, 1921, at 11 o'clock.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), and Mr. Sastri (for India); for France, Mr. Sarraut, and Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, and Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, and Capt. Uyeda.

Secretaries and advisors present included: For the United States, Mr. Wright and Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Little, Capt. Domvile, Mr. Mousley, and Mr. Malkin; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, and Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, and Commander Prince Ruspoli; for Japan, Mr. Ichihashi.

The secretary general, assisted by Mr. Pierrepont and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon, interpreters, were also present.

3. The chairman, Mr. Hughes, opened the meeting by saying that if there were no objections the committee would take up the resolutions proposed and read the previous day by Mr. Root relative to the action of submarines in warfare. It seemed best to take the articles up separately. The first article related to rules deemed an established part of international law. It summarized in a clear, concise manner the existing rules governing the action of belligerent ships of war in relation to merchant craft and stated the unequivocal position that belligerent submarines were not exempt from these rules.

He then invited discussion.

Mr. Balfour said that, as he understood the question which Mr. Hughes had put, it referred to the first of Mr. Root's propositions which, as Mr. Hughes had said, purported to be a statement in clear and explicit language of the existing rules of war and their application to submarines. So far as he personally was concerned, he agreed that such a statement should be made. He was not lawyer enough to say whether the existing rules were correctly summarized, and on this he would have to consult his own legal advisers. Provided, however, that the resolution did really embody the existing rules of war he thought it most desirable that these rules should be reaffirmed in their relation to submarine warfare. Perhaps on this matter he ought only to speak for himself. He personally held the view that a formal and authoritative statement that submarines had no license to break the rules by which other ships of war were bound could do nothing but good.

Admiral de Bon said that he shared wholly the views expressed by Mr. Balfour. The French delegation had repeatedly had occasion to condemn the practices followed by the German submarines during the last war.

The French delegation was thoroughly imbued with the high humanitarian motives which had dictated the resolutions presented by Mr. Root to which it gave in principle its general adhesion. But there was no jurist in the French delegation and they recognized that certain of these resolutions had a bearing on the complicated rules of international law.

Admiral de Bon said that he could then hardly do otherwise than to subscribe to the spirit of these resolutions and to repeat that the submarine should of necessity be bound by the rules of international law. But this law being of a very special nature it seemed to the French delegation that the most practical solution would be to refer the consideration of the text submitted by Mr. Root to a committee of jurists which would advise the committee as to its opinion in regard to the wording to be adopted.

Senator Schanzer said that he associated himself entirely with Mr. Balfour's and Admiral de Bon's remarks. The Italian delegation at the preceding meeting gave its full adherence to the aim to which Mr. Root's proposal tended, but they also thought that the question of formulating rules for the use of submarines in war was, above all, a legal question, which ought to be examined by a competent committee of jurists.

He had forwarded the text of Mr. Root's proposal to the Italian Government from which he was awaiting comments at a later date.

At any rate, it might be useful even now to point out a few questions to which the proposal might give rise in order to contribute to the future discussion.

It seemed to him difficult, in the first place, to separate the first resolution from the second, which definitely prohibited the use of submarines for the destruction of merchant craft. The first resolution, on the contrary, admitted in determined cases the destruction of merchant craft after certain provisions had been observed. He would like therefore to know in what way the second resolution tallied with the first.

In the second place, Senator Schanzer believed that it might be useful to give a clear definition of merchant craft in order to make

them recognizable and to establish plainly in which cases a submarine should abstain from attacking a ship and in which cases, on the contrary, attack was to be permitted, as, for example, in the case of a merchantman regularly armed or of a privateer.

Senator Schanzer observed that he had not made these remarks in any spirit of opposition, as the Italian delegation had decided to collaborate to the best of its ability in order to attain the aim which the American delegation had in view. His reason for speaking was to give Mr. Root the opportunity for such explanations as might throw light on the terms in which his proposals were formulated.

Sir Robert Borden said that, in offering a few observations in regard to the proposals presented, he was without the advantage of having heard Mr. Root's explanation on the previous day, having been in attendance at a subcommittee. Further, his views were purely personal and must not be regarded as binding on any other member of the delegation to which he belonged. As he understood the proposals, Mr. Root had set forth existing rules which had been, or should have been, the general practice in the past to govern the action of nations in time of war. In setting forth article 1 Mr. Root had placed the rules of submarines on a much higher plane than had been the case with the nations with whom the Allies had been at war for a period of four years. Those nations had wantonly violated these rules. He had no doubt that the statement of the rules in article 1 was correct and that these rules should have been followed by belligerent vessels. Mr. Root's proposal, however, went much further.

In article 2 the signatory powers were asked to pledge themselves to recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of lives of neutrals and noncombatants, and to the end that the prohibition of such use should be universally accepted as a part of the law of nations the nations here represented were asked to declare their assent to such prohibition and to invite all other nations to adhere thereto. As he understood this resolution, it was intended to mark a notable and most desirable advance on the existing rules. Mr. Root had first stated the existing practice and had then suggested this advance. He thought it would be wise and indeed essential in the interests of humanity that this proposal should be accepted. The exact wording, however, must be considered and he did not disagree with the suggestion for examination by an expert body provided that this should not prevent action by this conference. In article 3, Mr. Root had gone rather further. He had laid down the principle that any person in the service of any of the powers adopting these rules who should violate any of the rules thus adopted, whether or not such person was under orders of a governmental superior, should be deemed to have violated the laws of war and should be liable to trial and punishment as if for an act of piracy, etc. Having regard to some experiences of his own country in the late war, and especially to one occasion when nearly 20 Canadian nurses had been drowned as the result of the torpedoing of a hospital ship and the subsequent sinking of the ship's boats, he could say that the feeling of his country was strongly in favor of the proposal that any

person guilty of such conduct, whether under the orders of his Government or not, should be treated as a pirate and brought to trial and punishment as such.

Mr. Hanihara said that the Japanese delegation was in entire accord with the substance of article 1 of the proposed resolution. As regards the suggestion whether it was not advisable to refer the matter to a committee of experts for drafting, he was rather inclined to follow it, not that the Japanese delegation had any particular point in mind on which it had observations to offer, but merely in order to make it sure that the resolutions left nothing to be desired as to their precise wording. The committee might be instructed to examine it in this sense and not to touch the substance of it.

Mr. Root said that Senator Schanzer had asked some questions to which he would reply.

First, as to the agreement Article I of the resolutions now before the committee, with the second article relative to the prohibition of making use of submarines as commerce destroyers, which Senator Schanzer deemed inconsistent with Article I.

Article I, was a statement of existing law; Article II, if adopted, would constitute a change from the existing law and therefore it was impossible to say that it was not inconsistent. If it were not inconsistent, there would be no change. Article II could not be consistent with Article I and still make a change.

Senator Schanzer had also suggested that the resolution I be completed by including a definition of "a merchant ship." Throughout all the long history of international law no term had been better understood than the term "a merchant ship."

It could not be made clearer by the addition of definitions, which would only serve to weaken and confuse it. The merchant ship, its treatment, its rights, its protection, and its immunities, were at the base of the law of nations. Nothing was more clearly or better understood than the subject called merchant ship.

With regard to the proposal to refer this matter to a committee of lawyers, Mr. Root stated that it would be far from his thought to say anything derogatory of the members of the profession of which he had been a humble member for more years than he cared to remember. They were the salt of the earth; they were the noblest work of God; they were superior in intellect and authority to all other people whatsoever. But both this conference and his own life were approaching their termination. He did not wish these resolutions to be in the hands of a commission even of lawyers after the committee adjourned.

He had supposed when the committee adjourned the previous day, and after what had been said concerning the opportunity for critical examination, that the different delegations would call in their own experts and ask their advice with regard to this resolution, which was at this time the only one before the committee. He had supposed that the experts in international law brought here for the purpose of advising would have been asked whether this was a correct statement of the rules and that the results of that inquiry would be before the committee to-day.

Mr. Root said that he felt he was entitled to know whether any delegation questioned this statement of existing international law. All the members of the committee were in favor of the principle of

the resolution if it were correct. Did this or did it not state the law of nations as it exists? If it did, all the delegates were in favor of it. What then hindered its adoption, asked Mr. Root.

In describing the action of submarines with regard to merchant vessels, Senator Schanzer had repeated on his own behalf the very words of this resolution. The very words—*ipsissimis verbis*—of this resolution might be found in Senator Schanzer's remarks. Mr. Root said that his respect for the learning, experience, and ability of the various delegates around this table forbade him to doubt that everyone present was perfectly familiar with the rules and usages as stated in the first clause of Article I. This article did not purport to be a codification of the laws of nations as regards merchant vessels or to contain all of the rules. It said that the following were to be deemed among the existing rules of international law. The time had come to reaffirm them. He read Clause I of Article I, as follows:

"A merchant vessel must be ordered to stop for visit and search to determine its character before it can be captured."

Did not all of the members of the committee know that to be true? It was a long-established principle.

Mr. Root then read the second and third clauses:

"A merchant vessel must not be attacked unless it refuse to stop for visit and search after warning.

"A merchant vessel must not be destroyed unless the crew and passengers have first been placed in safety," and asked if there were any question whatever as to the correctness of these statements.

Turning to Mr. Malkin, one of the British legal advisers, Mr. Root asked if there were any doubt about that.

Mr. Malkin replied that in principle there was no doubt at all.

Mr. Root, continuing, said that, as Mr. Lodge had remarked to him, this was only elementary. The object of the resolution was to form something which would crystallize the public opinion of the world. He had made it perfectly simple on purpose.

The next article stated a principle of vital importance, on which he challenged denial. If all the lawyers in the world should get together they could not state the question more conclusively. The public opinion of the world said that the submarine was not under any circumstances exempt from the rules above stated; and if so, a submarine could not capture merchant vessels. This was of the greatest importance. This was a negation of the assertion of Germany in the war that if a submarine could not capture a merchant vessel in accordance with established rules, the rules must fail and the submarine was entitled to make the capture. The public opinion of the civilized world had denied this and had rendered its judgment in the action that won the war.

It was the revolt of humanity against the position of Germany that led to Germany's defeat. Was that not a true rendering of the opinion of the civilized world which the committee sought to express? Mr. Root addressed his friends and colleagues of the committee, saying this was real life they were dealing with here. This was no perfunctory business for a committee of lawyers. It was a statement of action and of undisputed principles universally known and not open to discussion, put in such a form that it might crystallize the public opinion of the world, that there might be no doubt in any

future war whether the kind of action that sent down the *Lusitania* was legitimate war or piracy.

This conference was called for what, asked Mr. Root—for the limitation of armament. But limitation was not the end, only the means. It was the belief of the world that this conference had been convened to promote the peace of the world—to relieve mankind of the horrors, and the losses, and the intolerable burdens of war.

Mr. Root declared that the members of the committee could not justify themselves in separating without some declaration that would give voice to the humane opinion of the world upon this subject, which was the most vital, the most heartfelt, the most stirring to the conscience and to the feeling of the people of all our countries of anything that occurred during the late war. He felt to the depth of his heart that the man who was responsible for sinking the *Lusitania* committed an act of piracy. He knew that all his countrymen with whom he had had intercourse felt the same, and he would be ashamed to go on with this conference without some declaration, some pronouncement, which would give voice to the feeling and furnish an opportunity for the crystallization of the opinion of mankind in the establishment of a rule which would make it plain to all the world that no man could commit such an act again without being stigmatized as a pirate.

Mr. Root said there were two ways in which this question that Germany raised about the right of submarines to disobey the rules of international law—what they had said in the way of destroying a merchant vessel—could be settled. With the whole dominion of the air unregulated by international law, with a score of difficult questions staring the conference in the face (such as blockade, contraband, and other questions in the field of law), there was a recommendation made by the committee of jurists which assembled at The Hague last year, 1920, upon the invitation of the Council of the League of Nations, to devise and report a plan for an international court of justice. The committee had met at The Hague and after some months of labor, they had recommended a plan which, with some modifications, was adopted by the council and by the assembly of the League of Nations, under which judges of the new court had been appointed and under which that court was about to convene next month, January, 1922. The committee of jurists selected by the Council of the League of Nations for its advisors went beyond the strict limit of its authority, and so much impressed were they all with the necessity for a restatement of the rules of the law of nations as a result of the war (what happened during the war, and the consequences of the war) that they made a recommendation upon it. There were present a representative of Great Britain, a most able and learned judge of the highest court, and representatives for France (a very distinguished representative), of Belgium, of Japan, of Holland, of Norway, of Spain, of Brazil, and one from the United States of America. They were all there in their individual capacities, but coming from nine different countries and selected by the Council of the League of Nations, and invited there to be their advisors. All of these gentlemen had unanimously agreed upon the following resolution, which Mr. Root proceeded to read:

"The advisory committee of jurists, assembled at The Hague to draft a plan for a permanent court of international justice, con-

vinced that the security of states and the well-being of peoples urgently require the extension of the empire of law and the development of all international agencies for the administration of justice, recommends:

"I. That a new conference of the nations in continuation of the first two conferences at The Hague, be held as soon as practicable for the following purposes:

"(1) To restate the established rules of international law, especially, and in the first instance, in the fields affected by the events of the recent war.

"(2) To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war, and the changes in the conditions of international life and intercourse which have followed the war.

"(3) To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.

"(4) To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.

"II. That the Institute of International Law, the American Institute of International Law, the Union Juridique Internationale, the International Law Association, and the Iberian Institute of Comparative Law be invited to prepare with such conference or collaboration inter esse as they may deem useful, projects for the work of the Conference to be submitted beforehand to the several governments and laid before the conference for its consideration and such action as it may find suitable.

"III. That the conference be named 'Conference for the advancement of international law.'

"IV. That this conference be followed by further successive conferences at stated intervals to continue the work left unfinished."

That recommendation, Mr. Root continued, was communicated to the council of the League of Nations, was somewhat modified by the council and then referred to the assembly of the League of Nations, and by the assembly was rejected. The door was closed. Where did we stand? Was this not to be a world regulated by law? What were disarmaments worth if assent were given to the proposition that the impulse of the moment, the unregulated and unconstrained instincts of brute force, were to rule the world and that there was to be no law? If there was to be a law, somebody must move. There was no adequate existing law now with regard to submarines. There was no existing law regarding aircraft. There was no existing law now regarding poisonous gases, and somebody must move. The door to a conference was closed, and here delegates of the five greatest powers were met in a solemn conference upon the limitation of armaments and charged to do something toward the peace of the world. This resolution, Mr. Root said, proposed to restate the rules of war that had been trampled under foot, flouted and disregarded. This resolution proposed that the domination of those humane rules for the protection of human life be once more asserted, and that the attempt to overturn them be discredited and condemned.

This resolution proposed to tell what the conference really believed, that it characterized, as it ought to be characterized, the at-



tempt to overturn the rules impressed by humanity upon the conduct of its Governments. Was there a delegation here which could afford to go back to its own people and say to them, "Upon the proposal being presented to us we referred it to a committee of lawyers and adjourned"? Those resolutions would not down. They spoke with a voice that would continue insistently. Mr. Root said that he was not going to be buried under a committee of lawyers, and that these rules could not be buried under one. Either the delegates assembled here must speak clearly and intelligently the voice of humanity which had sent them here, and to which they must report, or that voice would speak for itself and, speaking without them, would be their condemnation.

In conclusion, Mr. Root declared he was opposed to the reference of this resolution to a committee of lawyers or to any other committee. He asked for a vote upon it here. If the delegation of any country represented here had any error to point out in it, he was ready to correct it, but he asked for a vote upon it, in furtherance of the principle to which every one of his colleagues around the table had given his adherence.

After the foregoing had been interpreted, Mr. Root said that he had omitted in answering Senator Schanzer's very discriminating question regarding the relations between Articles I and II, to say that, of course, if the second Article were adopted by all the world, it would supersede Article I. This, however, would be a long, slow process and during the interval the law as it stood must apply until an agreement was reached. Article I also explained in authorized form the existing law and could be brought forward when the public asked what changes were proposed. In proposing a change, he said, it was necessary to make clear what the existing law was. It was very important to link this authoritative statement in Article I with the new principle proposed in Article II.

Sir John Salmond said that while not doubting the substantial accuracy of the resolutions proposed by Mr. Root, and while he was of the opinion with him that it was unnecessary to appoint a committee of jurists to determine the law as regarded merchant ships in war or the capture of private property at sea, at the same time the resolutions as they stood were not free from ambiguities and formal defects. Although reference to such a legal committee was unnecessary, he thought opportunity should be given for verbal amendments. For example: Paragraph 3 of rule 1 stated that a merchant vessel must not be destroyed unless the crew and passengers had been first placed in safety. Was this intended to give absolute immunity to the merchant ship from attack unless the crew and passengers were first placed in safety even although the ship had refused to stop on being warned? Read literally, this would be the effect of the rule. Secondly, the relation between Resolutions I and II did not appear in the text and a verbal explanation by Mr. Root was necessary to explain it. While, therefore, he was in absolute agreement with the substance of Mr. Root's resolutions and supported his refusal to put off the matter by reference to a committee of lawyers, he thought there was no haste which could justify the committee not being given opportunity for the examination and formal amendment of these resolutions.

Senator Lodge said that he would not ask to take up the time of the conference if he could attend the meeting that afternoon. He hoped a reasonably speedy decision might be reached in this matter and he did not like to have this decision reached without having expressed his feeling in regard to it. He had a great respect for experts, but some of the delegates present had given attention to international law for some time, and several of them were capable of putting these resolutions in proper form. He believed the first thing to aim at was simplicity of statement. The rules laid down by Mr. Root, especially in Article I, were elementary. Anyone who had read a textbook of international law knew them. He would not attempt to add to the powerful argument presented by Mr. Root who, though he said it in his presence, was one of the greatest international lawyers now living. As far as his arguments went, Mr. Lodge would follow a historic British example and say "Ditto to Mr. Burke."

Continuing, Mr. Lodge said that what he would like to see done by the conference was to decide on a policy—for this was a question of policy. The committee could easily take care of the amendments suggested by Mr. Salmond. The delegates were here to settle a policy and must do so. This policy had been presented and would not down. The world to-day wanted an unequivocal declaration against the sinking of the *Lusitania*. He took the *Lusitania* as an example summing up the horrors of the submarine as it was used in the war with Germany. He knew the opinion of his country. The feeling aroused here as well as in Great Britain had been intense. He wanted a declaration showing the representative opinion in this matter and preventing, so far as possible, the use of submarines for the destruction of commerce and against innocent noncombatants, women and children. The conference could at least erect a standard. After the Constitution of the United States was adopted by the constitutional convention in 1787, George Washington wrote to a friend: "We have erected a standard to which the wise and good can repair. The rest is in the hands of God." Mr. Lodge said he thought a standard could be erected here to which the civilized world can repair in the matter of submarines. He believed the world will rally to it. What would be the alternative if the conference failed to reach this decision? The door of uncertainty would be left open—open to the type of man commanding the submarine which sank the *Lusitania*—open to people who wished to wage war in that way; opportunity would be given them to trample under foot the laws of nations relating to merchant vessels and the committee would leave matters in that most dangerous of conditions without any settled law upon the subject. But if, after formulating it at this table, the committee were to declare in a most clear and solemn manner that submarines must not sink merchant vessels with crews and passengers on board, he hoped and prayed the resolution might be adopted and sent out to the world. The people of the United States desired this declaration to be made, and that the world might hear the voice of this conference speaking clearly against the continuance of the use of submarines for the destruction of merchant vessels and innocent lives, those of women, children and noncombatants.

Senator Underwood said he wished to take a few minutes to express his hearty concurrence in the statement of his colleague, Mr. Root, in regard to this matter. He hoped this resolution, controlling the

unlawful use of submarines, with such amendments as might be necessary, might be passed before this conference adjourned. He believed the dividing of the ways as to what the conference stood for had now been reached at this table. Were they to proclaim that they were still tied to the dead body of the war that was past, or that the civilized nations of the world desired to attain and accomplish new ideals of peace; that they intended to put war behind and peace ahead. If the delegates were only met here for a temporary armistice, if they were only temporarily tired of war, with their treasuries exhausted—if they agreed to fly the white flag for a few years until they grew strong for war again, they had better adjourn now, and let the horrors of the next war teach statesmen the lesson which was necessary, in order that civilization might progress again toward the ideal of permanent peace. If they were only met here to save dollars or francs or shillings for a few years, they had better adjourn.

Senator Underwood said his countrymen had never particularly prided themselves on military expenditures. They had gone for many years at a time without much armament, because they did not fear their neighbors, and because they could say in their hearts that they wanted to be at peace with the world. If the conference was met only to save dollars or other coins, the great heart of the people of the world would be grievously disappointed. Unless the flag of civilization could be planted on a higher point—unless this conference were to move forward, then a failure would have been made. As for himself he would like to see in the future the great Empire of Japan leading the Far East as a nation of commerce and high ideals rather than as a nation of great armaments; he would like to see a great Italy assured of the safety of the seas that carry the fuel necessary to her national life; he would like to see France secure in her territorial integrity; he would like to see the day come when she might feel that her safety was assured for all time and that she had no longer a need for a great army. He would like to see the day come when Great Britain need no longer fear any danger of attack on the food supply of her people; when commercial ships might always safely enter her ports and bring the supplies necessary to her national life. These were the ideals toward which the conference should move rather than toward the ideals of the horror and extended power of war. If the committee rejected this resolution, they would be saying to the peoples of the world that they were declaring only a temporary armistice and that they were going back to war. But if they were willing to take this one step—no matter how small—to make the seas safe for the peaceful ships of commerce, to that extent they would have removed one of the great causes of war—and the world would never be free from war until the causes of war were removed. He therefore heartily supported the proposal of his colleague. He felt it represented great principles underlying the desire of the people of the world for peace, that lasting peace that should banish war from the world.

Senator Schanzer said that he would like to remark that a misunderstanding had arisen in this discussion which it was necessary to eliminate. From some of the speeches that had been made here to-day by eminent orators it might seem as though there were opposition to the fundamental principles upon which Mr. Root's proposals are based. Now, each one of those present had responsibilities to-

ward the public opinion of the entire world, and they could not even for one instant allow that it should be thought that they were opposed to any measure tending to render war less inhumane. It was the Italian delegation which proposed the abolition of poisonous gases, and it was not only yesterday that it had declared its most implicit and unconditional sympathy for Mr. Root's proposals. Could there be anyone who might suppose even for one instant that it did not share the sentiments of horror for the methods of war which brought about the criminal sinking of the *Lusitania*?

It was surely not the Italian delegation that could be reproached for any hesitation in supporting anything which could make the world progress toward a higher civilization. No country was more interested than Italy in putting an end to the abuses of submarine warfare. It was, therefore, not the principle itself which he had contested. He had only wished to submit a few remarks on the wording of the text which had been put before the committee. That his observations had not been useless was shown by the explanations which Mr. Root had been kind enough to give him and for which he thanked him. He had asked to know in what way Resolution II was to be understood, in respect to Resolution I. In fact, the systems contemplated in the first and second resolutions could exist at the same time.

Resolution I declared an existing law regarding submarine warfare, which admitted in certain cases and subject to certain observances, even the destruction of merchant ships. Resolution II condemned in the most absolute way the use of submarines for the destruction of merchant ships. Mr. Root had now explained that Resolution II represented a new and subsequent phase to which things must tend. He felt this ought to be more clearly expressed in the wording of the resolution. The Italian delegation did not insist on the proposal of submitting the whole discussion of the question to the study of a committee of jurists. If it were deemed preferable to continue to discuss it in this same committee, it saw no obstacle to agreeing. As he had already observed, what we would ask was that, pending the arrival of its Government's instructions, the committee examine the various sides of this proposal with the attention which the subject required, and only because the Italian delegation had the keen desires that the new regulations of international law which would come forth from this conference should be fully satisfactory to all those who believed that the world could and must make further progress on the path of civilization.

The chairman remarked that it being now 1.20 p. m. he would suggest that the committee adjourn for luncheon and reconvene at 3 p. m. In saying this, however, he did not wish to foreclose the opportunity for further debate now if anyone desired to say anything further.

Mr. Sarraut called attention to the fact that the personnel both of the French delegation and of the staff of experts accompanying it had been greatly reduced and that with such a short time between meetings little opportunity was afforded for sending and receiving cables and attending to other such matters. He therefore requested that the afternoon session should begin at 3.30 instead of 3 o'clock.

The chairman announced that the meeting would adjourn until 3.30 o'clock.

## TWELFTH MEETING—THURSDAY, DECEMBER 29, 1921, 3.30 P. M.

## PRESENT.

*United States.*—Mr. Hughes, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Knowles, Mr. Flint, Mr. Malkin.

*France.*—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Pensot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Cesia di Vegliasco.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson and Mr. Osborne. Interpreter, Mr. Camerlynck.

1. The twelfth meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building, at 3.30 p. m., December 29, 1921.

2. There were present: For the United States, Mr. Hughes, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and advisers present included: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Knowles, Mr. Flint, Mr. Malkin; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Pensot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli, Mr. Cesia di Vegliasco; for Japan, Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson and Mr. Osborne, and Mr. Camerlynck, interpreter, were also present.

The Chairman, Mr. Hughes, said that the committee had before it the first resolution in regard to submarines.

Mr. Root said that he wished to say a few words following Sir John Salmond's remarks of that morning. He was in full agreement with Sir John Salmond's suggestion, and he had no idea of asking the adoption of the resolution without the critical examination which carried with it the result of such examination. Mr. Root believed that the resolutions should go through the process sometimes described by parliamentarians as "perfection by amendment." Sir John Salmond had made a valuable suggestion which, embodied in a few words, could but result in the improvement and clarification of

the resolutions. This ought to be done and he hoped it would be done; whether it was done here by the members of the committee, speaking upon the advice and experience of their experts, or by a drafting committee of experts was of little consequence. The great question was whether the committee would agree to make such a declaration as this. In any case the process of destructive and constructive criticism should be gone through.

Mr. Balfour said that, as he understood Mr. Root's proposal, it was, in British Parliamentary language, to proceed to the second reading of the resolutions and then to send them to committee. This phraseology he understood was not used in this country and he did not know how far it was employed in the Parliaments of the other States represented on this committee. Nevertheless, it clearly expressed what Mr. Root proposed, i. e., to put on record the agreement to the principle of the resolutions and then to proceed to discuss them in detail. It was an admirable method and was, he believed, the only way to escape from mixing up principles with details. So far as the second reading aspect was concerned, he believed that the underlying principle had already been informally approved. Only the formal vote remained to be registered. His own view, after listening to the powerful, persuasive, and impassioned speech of Mr. Root, was that the important words of the resolutions were the following, at the bottom of the first page:

"To the end that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

That was the central core of the doctrine which Mr. Root had formulated. He valued these words partly because they removed a misconception and partly because they included a positive constructive proposal. The misconception was that the committee was occupied in an attempt to formulate the full code of maritime law. If this were the case, not only would it be necessary to weigh and scrutinize every word and every clause, but also to insure that nothing was omitted which ought to be included. That, no doubt, would be a very useful task, but was not what the committee had been invited by Mr. Root to do. The positive and constructive side of Mr. Root's proposal was to secure a clear understanding of the standards of conduct which the public opinion of the world would apply to future belligerents. That was the object of the document; that was what it set out to accomplish. He thought that this end could best be achieved by transferring the words he had quoted from paragraph two of section one to the preamble, which would then read as follows:

"The signatory powers desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war invite the adherence of all other civilized powers to the following statement of established law to the end that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

This was a mere matter of arrangement, but he thought it would help the world to see the great object which Mr. Root's draft was intended to accomplish. He therefore welcomed the procedure now proposed. The principles underlying this document had the warm approval of the British Empire delegation. The members of that delegation would have preferred that the document itself should have been rendered unnecessary by the abolition of submarines. Since they had not been able to carry out this policy, however, Mr. Root's resolution provided them with an alternative. If they could not hold their first line of defense, they had at least a second line to fall back on, for in Mr. Root's document the abuse of submarines had been unsparingly dealt with. Everyone must recognize that when a weapon had been misused in the past, could be misused in the future and would be much more effective if so misused, no professions of morality or declarations of law could be relied upon to supply a sure protection against this abuse. While all must regretfully admit this, he would like to associate himself with what Mr. Root had said yesterday about the immense advantage of embodying the plain dictates of humanity in explicit terms. It was not sufficient for them to be buried in works on international law or lost in departmental correspondence, they must be proclaimed in the most public manner. He agreed with Mr. Root that, if so stated, they could not and would not be without effect on the conduct of mankind. To suppose that submarines would never again be abused, in spite of all the professions of the committee, would no doubt be sanguine. But he believed that the adoption of these resolutions would be a great step toward the education of the world; and might do much to mitigate the horrors of war and its needless cruelties. Holding these views, he could only congratulate Mr. Root and promise his best support in the objects which he sought to attain.

Mr. Sarraut said that on two occasions already the French delegation had joined with all its heart in the high spirit of humanity which had inspired Mr. Root's resolution. It congratulated itself also on having heard the discussion which had taken place that morning and which had permitted everyone to grasp his (Mr. Root's) thought more fully, especially after the admirable comments which he had been good enough to make in his splendid speech. If there were still people who doubted the necessity to condemn the unmentionable abuses committed against humanity during the last war (and no one there present doubted it) their uncertainty would have been eliminated by the convincing eloquence of their eminent colleague.

Once more, Mr. Sarraut continued, he brought the full and complete adherence of the French delegation to the sentiment expressed in the first motion of Mr. Root, the principles of which the French delegation accepted formally.

The French delegation did not want to stop with this adherence to principle, but wanted to see the resolution go into force by virtue of a definite text which would combine all the assents of the Powers represented in the committee. Certain modifications had been proposed. He was perfectly convinced that Mr. Root, whose modesty equaled his great ability, would make no objection to the

suggested amendments to his text. As a matter of procedure and in order to reach prompt results, it would be wise if each of those who had made observations regarding the text of Mr. Root's resolution, or had suggested modifications of details, would take the trouble to prepare and communicate the drafts which they proposed. These drafts could just as well be discussed and the committee would arrive in the end at a general text which would combine, he hoped, the unanimity of their acceptances, and would then be clothed with an authority such that, if ever—and all his hope repelled this idea—war should again occur, the peoples would be bound by an agreement, the moral force of which would be borne in upon their consciences.

Mr. Balfour appeared to apprehend that certain countries might, in spite of everything, yield to the temptation to misuse the weapons remaining in their hands. For his part he believed that these peoples would reflect deeply before violating such obligations. If the committee had any doubt of this, if it could suppose that decisions such as those which were to be taken there would not be carried out, debate would not be worth while, and the only thing left for the committee would be to leave the table. But Mr. Balfour himself had not entertained this pessimistic conclusion since he had stated that a resolution invested with the moral force of this decision would impress itself on the attention of the world. One must not deduce from the abuses committed by Germany the idea that inevitably others would commit the same abuses.

It was just because the consciences of all present had revolted against these abuses; it was because their consciences refused to accept the idea; it was because they were incapable of acting likewise that their alliance became spontaneously so strong against all those who had committed them.

He firmly believed in the influence that these joint decisions might exercise over the world. The time must come, as he had already stated, when they must call upon the other nations to ratify their conclusions by approbation thus giving them a universal and definite value. But it was precisely for that reason and with that object that the text which would be the outcome of their deliberations, strengthened by their unanimous approval, should, after mature consideration, take on an emphatic and authoritative form which would impose itself upon the consent of the whole civilized world.

The chairman then asked whether it was desired to continue the discussion of the first resolution. The suggestion had been made that this resolution be adopted in principle, with reference to a subcommittee for the purpose of considering verbal suggestions which should be in conformity with its obvious purpose. Before that was done, however, there should be an opportunity for any destructive or constructive comments in the committee that might be of use to the subcommittee.

Mr. Sarraut said that, if he understood the proceedings suggested, it had now come to what in French parliamentary language was called "taking the matter under advisement," that was to say, keeping the resolution before the committee, but referring it for further consideration to a subcommittee.

The chairman said that that was his understanding of the proposal.



The Board is determined to not a single word. Upon the adoption of this resolution in principle, it would be subject to such verbal changes as might be thought best by the framing committee. This resolution represented the unanimous feeling, a most emphatic condemnation of the unpleasant practices which had been indulged in during the late war. It would seem indeed extraordinary if this conference, assembled to these abominable practices which shocked the world and condemned those that permitted else to the defeat of the liberal national government, should pass them unnoticed, and should deal only in a cautious spirit with the matters connected with slavery.

There was another reason which made the declaration opportune and necessary. The committee had had a long discussion in regard to the question of submarines, particularly as to the advisability of their employment, their numbers, and as to the practicability of their limitation. The committee had been unable to reach an agreement on this question. That was a fact confronting them. Such a declaration as the one proposed in the first resolution would go to the whole world as an indication that, while the committee could not agree on such limitation, there was no disagreement on the question that submarines should never be used contrary to the principles of law governing war. The adoption of the resolution might, furthermore, avoid misunderstanding on the part of those who were looking to the conference with great hope. It certainly could not be considered as a vain declaration after the experiences with submarines which the powers there represented had had and the feelings engendered by those experiences, to declare in the most precise terms that the rules of international law should be observed. He believed that such a declaration would be of the greatest value.

He hoped that when the resolution was referred to the drafting committee, it would not be overlaid with lawyers' niceties. There was, he knew, nothing which anyone could write which could not be improved by lawyers, but when it came to the expression of vague fears, to which lawyers so like to give expression, he hoped that such verbal criticisms would receive scant attention. Anything genuine and direct which carried the real point, the world would understand—such as the resolution proposed by Mr. Root.

Another important point was that the powers, should a difference arise between them, would have to remember that the weapons which

they possessed were not to be used as in the past without reference to the laws of God and man. This would greatly detract from the value of a submarine fleet, for when nations counted their weapons they counted not only their number but the manner in which they could be used. Such a declaration would help the universal endeavors of diplomatists, charged with the conduct of affairs to settle difficulties without strife, and he hoped that the resolution would be agreed to with the understanding that, if it could be improved, it should be, but that the principle was recognized and adopted as sound in substance.

Unless there was objection, therefore, he would put the first resolution in this form, i. e., that agreement was requested in substance, with reference to a drafting committee (to consist of a member designated by each delegation) to consider the form of expression and such verbal changes as might be deemed advisable.

The chairman, after announcing the assent of the American delegation to the first resolution, as amended by Mr. Balfour, put the question to the other delegations, to which each assented in turn.

The chairman therefore announced the unanimous adoption of the resolution and stated that he had asked Mr. Root to represent the American delegation on the proposed committee and requested that the other delegations should appoint their representatives so that the matter could be referred to that committee for consideration of forms of expression.

The chairman then said that the second resolution would be considered in the form presented as follows:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations they declare their assent to such prohibition and invite all other nations to adhere thereto."

As Mr. Root had explained, this was a proposition to change the law. The first resolution attempted to state the law, the law which had been ignored and which had been trampled under foot, but which nevertheless had been and still was regarded as international law. This resolution fundamentally recognized, however, the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of neutrals and noncombatants. He assumed the resolution to mean that, while the rules of war were as stated in the first resolution—at least in substance—and while it was the sense of the powers there represented that they should be adhered to and clearly understood, the civilized world should be asked to outlaw the submarine as a weapon against commerce.

The point had been made that morning that there might be a question in regard to the assent of the powers here represented to the prohibition, i. e., in relation to the last words of the resolution, which provided that the powers here represented were to invite all other nations to adhere. He supposed that this meant that, if the prohibition should receive the assent of the powers here represented, they adopted it in the hope that it would be made a part of inter-

national law upon the adherence of all the other powers—not that it would become binding upon the powers here represented, if it did not become a part of international law, and if others by their refusal to assent prevented it from becoming a general principle. He assumed that the intention of the resolution was not that these powers should try to make international law for themselves, which, of course, they could not do, but that they should use their influence to obtain the adherence of nations to a new rule of law outlawing the submarine as a destroyer of commerce.

Mr. Root said the chairman had correctly stated the sense of the closing words of the resolution; it was to the end that the prohibition of the use of submarines should be universally accepted. Two things were done in the resolutions. First, a declaration was made, then an assertion. If a single nation were to lead with such a proposal, it might have no effect. It required universal assent to establish a law of nations. There was a difference between the second and the first resolutions. The first was a declaration of existing law and created nothing, merely certifying to what existed. The second resolution called for an act which did not take effect until assent had been received.

Mr. Balfour said he would like to make a suggestion to Mr. Root. He understood Mr. Root's view to be that the powers represented on this committee were only endeavoring to initiate a great reform of international law, by declaring their own view and pledging themselves to induce other nations if possible to support it. He desired to ask whether he could not go a little further. Why should not the five nations represented here agree between themselves to act on the rule which Mr. Root proposed? This suggestion was not inconsistent with Mr. Root's plan. On the contrary it would greatly promote it. Nothing could be better as an example than that the five states, instead of merely adopting a resolution which would be inoperative till generally adopted, should adopt immediately the principles which they desired eventually to see embodied in international law. He did not wish to dogmatize on the subject, but he wished to put the proposal before Mr. Root for his consideration.

Mr. Root said that he would illustrate: The United States had the practice of amending the Constitution. The Constitution could be amended by a proposal of Congress and the assent of three-quarters of the States. One State voted, another, then another, then another—their votes were of no consequence whatever unless and until the necessary number had been recorded—and only when the assent of the necessary number had been recorded could they become effective. The committee could not make a rule of international law; all that they could do was to propose a law, and in proposing it they might add to it their assent, which did not become a law until the necessary number of assents had been received to make it a rule of law. He said that a great mass of nations agreeing might make international law, but the general rule was that international law requires universal acceptance.

He observed, speaking for himself and without opportunity to consult the other members of the American delegation, or without intending to speak for them, that it would be entirely satisfactory as far as he was concerned to have such an addition to this second

prohibition as Mr. Balfour had suggested. It was an addition providing for the five powers who were here and who would be bound by such a prohibition as between each other, and he observed that he was quite sure that every power at the conference intended to shape its conduct in accordance with the rule proposed. Such an intention would make for security and good understanding.

Mr. Root said he did not suppose that such a course would in any degree change the conduct of any power here, but an assurance of an intention respecting that conduct would be of great value in settling this disturbed and distracted world.

Mr. Balfour had asked a question as to policy. Mr. Root said he would give this point but passing notice. It was a very common thing in the legislation of all of their countries to deal with objectionable practices by broad prohibitions, because broad and simple prohibitions could be enforced, while complicated prohibitions filled with many items were exceedingly difficult to enforce. He supposed that a very broad prohibition like that we now live under here was necessary in order to make a simple rule which would prevent people from doing things in an objectionable way. In this case if they tried to make the prohibitions in detail, it would be impossible to enforce them, just as it was now impossible in the United States to have a glass of wine at dinner because it was necessary to have a broad prohibition to prevent a lot of poor fellows from getting drunk on bad whisky. This was a proposal of the same character as the proposal made by the British delegation, which had not been received with favor, i. e., the proposal to ban all submarines, with a broad prohibition based upon the fact that though submarines may have a useful purpose, nevertheless the painful purposes to which they might be put were so serious and so injurious that they justified the establishment of a broad and simple prohibition of all submarines. If you undertook to deal with submarines in detail you failed. You could not make a prohibition that could be enforced. Therefore the abuses were so great that the world would be wise to ban them altogether. Now this was a proposal the same in character, resting upon the same considerations; that is to say, it saved the submarine for legitimate purposes and banned only the injurious use of submarines. It substituted a general prohibition for a detailed prohibition—the rule which they had just recognized in their action upon the first resolution, and the wisdom of which did not rest upon theory. It rested in their memory of the most painful events of recent times.

When the German submarines began torpedoing innocent merchant ships and when they had stopped them for the purpose of visit and search and had begun to place bombs in the hulls and blow up vessels, indignant protests were made. The German answer was that it was impossible to comply with the rules that had been made to govern the actions of surface ships. There was an agreement upon that. Germany declared it to be impossible, and it was impossible. The submarines could not successfully carry on warfare against merchant ships and summon them in the ordinary way to stop for visit and search. And when a vessel had been stopped for visit and search, the submarine could not put its crew and passengers in safety because the work was done while the submarine itself

was in a danger from which it could escape only by swift submersion. The submarine could not take a great boat load of passengers and crew into its interior where air had to be furnished artificially. The distressing circumstances of the crew and passengers of merchant ships deemed the prey of submarines and left to die, were obvious. Germany's assertion that it was impossible for the submarine to war on merchant ships in accordance with these rules was well founded, and for one, the Government of the United States assented to it, agreed to it, admitted it. But they said the consequence was not that the rule failed, but that such warfare must end.

There was no fact more firmly established than that all the temptations that beset a belligerent to gain its point at whatever cost would stand between the submarines and conformity with civilized procedure. The only way to secure the safety of innocent passengers and crews, noncombatants, neutrals, women, children, etc.—the only way to secure their safety was to say that no belligerent should attack a merchant ship through an instrumentality which can not achieve the attack without violating the rule. It created a simple and forcible rule in the place of the complicated and detailed rules which were required by the weakness of human nature. Mr. Root said a forcible rule, because a rule that could be understood by the people. He repeated again with regard to what he had said before regarding the first resolution, that he granted that contracts between nations would not enforce themselves. He granted that the rules made by diplomatists, conferences, and foreign offices, might not be enforced. But he also asserted that when a rule is based upon the principles of humanity and when the public of all free countries had got hold of it, understood it, and adopted it as a guide in its conduct of belligerent operations, the public opinion of all civilized countries would furnish sufficient support of the rule—because the condemnation of the public of the world brings with it a condign punishment for any Nation that offends, a punishment that no Nation dares to face.

The chairman said that there were two distinct propositions before the committee. The first, broadly stated, was an attempt to amend and improve existing international law in the sense that submarines should not be used at all as destroyers of commerce. There might be some difficulty in determining definitely when international law had actually been amended, but he believed that some means could probably be found of establishing a criterion, as for example, by stating that the agreement should be effective on the adherence of powers named.

The other proposal, which had been made by Mr. Balfour and accepted by Mr. Root, was that, regardless of the outcome of the first proposal, the five powers represented on the committee should bind themselves, as among themselves, not to use the submarine for the destruction of commerce. Quite apart from any attempt the committee might desire to make to change international law, such a proposition was entirely within the competency of the powers here represented. So far as the American delegates were concerned, there was no doubt as to the approval of the policy. It was really a practical application of existing rules, as it was only in exceptional cases that submarines could operate successfully against commerce and

the existence of the exceptional cases constituted an invitation and temptation to violation of the law. On this point it was hoped agreement could be reached. The two propositions, while distinct, could be set forth in one declaration or in separate declarations. The chairman desired to know whether such discussion should take place then or should be postponed until the following day.

Mr. Balfour said that the chairman had pointed out that the discussion had brought two propositions before us: First, the change in international law proposed in Article II of Mr. Root's resolutions, and second, the addition which he himself had suggested in that resolution whereby the powers represented on this committee would bind themselves immediately to accept and act upon the new policy as between themselves. He thought it would assist the consideration of this question if he were to give the exact words in which his own proposal should be formulated. He would amend the last part of Article II so as to read as follows:

"They declare their assent to such prohibition and they agree to be bound forthwith thereby as between themselves, and they invite all other nations to adhere to the present agreement."

The subcommittee for drafting a resolution regarding submarines was made up as follows: United States, Mr. Root; British Empire, Sir Auckland Geddes; France, Vice Admiral de Bon, Mr. Kammerer; Italy, Signor Ricci; Japan, Mr. Hanihara.

The meeting then adjourned until 11 o'clock a. m., December 30, 1921.

#### THIRTEENTH MEETING—FRIDAY, DECEMBER 30, 1921, 11 A. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Flint, Mr. Malkin, Mr. Mousley.

*France.*—Mr. Sarrut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The secretary general, assisted by Mr. Paul and Mr. Wilson.

Mr. Camerlynck and Mr. Talamon, interpreters.

1. The thirteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building, on Friday, December 30, 1921, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland

Geddes, Rear Admiral Sir E. Chatfield, (for Australia) Senator Pearce, (for New Zealand) Sir John Salmond, (for India) Mr. Sastri; for France, Mr. Serraut, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and technical advisers present included the following: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Flint, Mr. Malkin, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Mr. Ichihashi. The Secretary-General of the conference, assisted by Mr. Paul and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The Chairman, Mr. Hughes, said that the committee had under consideration the second resolution which had been proposed and which had for its object the elimination of the submarine as a commerce destroyer. There were two phases of the resolution under the amendment proposed by Mr. Balfour; The one was the proposition to amend the existing rules of war so as to provide that submarines should not be permitted to act as commerce destroyers, and the other was that the five Governments here represented should not only recommend the adoption of the new rules to which he had referred, but should at once agree among themselves that they would observe such rules.

The Chairman asked whether the committee desired time to continue the discussion of this proposition.

Senator Schanzer said that he did not wish in any way to oppose the continuation of the discussion on the second resolution proposed by Mr. Root; but as he had said the previous day, the Italian delegation had had to communicate with its Government. Its instructions had not yet been received. Of course, he wished to make it plain that the Italian delegation had no objection to the continuation of the debate if the other delegates so wished.

Mr. Sarraut said that he had no objection to the discussion proceeding, but he wished to remark that as yet he had been unable to receive instructions from his Government. It would be an unprofitable discussion, he thought, unless all the delegates were provided with instructions from their Governments and could speak with authority.

The Chairman remarked that it would certainly be desirable that the discussion be continued at a time when the French and Italian delegates were in a position to state with definiteness the attitude of their Governments in regard to the subjects presented for discussion and he was sure that the members of the committee had no desire in any way to proceed with the discussion at such time or in such manner as would seem to make it necessary to have questions presented and debated which their colleagues were not really in a position to discuss. But, of course, if there were any views which any of the delegates desired to present, there was opportunity to do so.

Lord Lee said that he quite appreciated the position in which the committee stood in the absence of complete instructions to two of

the most important delegations here. He could not help feeling, that in the minds of the French delegation and Government there existed some misunderstanding as to the attitude of the British Government in regard to submarines which it was desirable to clear up before the French Government committed itself in regard to the second resolution. He could not help feeling that here was a unique opportunity for the French delegation and Government to reassure the British Admiralty and public opinion in regard to this matter, of which he hoped they would avail themselves. British apprehension in regard to the use of submarines was deep-founded and, as the events of the war had shown, well-founded. He had no desire to take advantage of this occasion to reopen the question of the tonnage of submarines to be allotted to the different Powers. That would not be in order in discussing the present resolution. What the committee was considering was the uses to which submarines might be put. While the late war showed that rules of war were of little protective value when a nation was in desperate straits, at the same time these resolutions proposed by Mr. Root would, in the view of the British delegation, be of immense value as a deterrent. They would represent the most civilized opinion of the world, and any country who broke them would be morally outlawing itself and running in an intensified form the risk which Germany ran in bringing down upon her head the active hostility of other civilized Powers. But he wanted to explain to his French friends, if he might, why it was that the British delegation had these special apprehensions which had been expressed so forcibly in connection with France.

Lord Lee went on to say that of course there was no one in the British delegation, or indeed among any of his fellow countrymen, who had not the highest esteem and admiration both for Mr. Sarraut and Admiral de Bon. Mr. Sarraut was obviously not only sincere in everything that he said, but the whole spirit of his remarks breathed statesmanship, moderation, and humanity. As to Admiral de Bon, if he would allow Lord Lee to say so in his presence, everyone regarded him—at any rate those at the Admiralty who knew of his distinguished record—as the very embodiment of French chivalry and sea honor and, as Lord Lee believed had been said before, he did not think there was any officer in the British fleet who would not be proud to serve under his orders if the occasion arose. But the difficulty was (and this was a point that the British Admiralty and the British naval staff had to face): They were not clear as to the views of the French naval staff on the matter of the utilization of submarines in time of war. It was true that the views expressed by experts did not always by any means determine the action of governments; if they did, no doubt every country would some day be placed in the position which the late Lord Salisbury once described when he said "If we listened to the experts we should have to put a garrison in the moon to protect it against an invasion from Mars." But the views of naval staffs, of the experts, were of importance unless and until they were disavowed by the governments which they served.

Mr. Briand quoted the other day in his memorable speech the atrocious sentiments expressed by Gen. Ludendorff and by Von



Moltke, sentiments which still constituted in his view a menace to France and one which it was essential that France should guard herself against. It was, therefore, he hoped, not improper nor in any sense provocative if he had to call attention to the kind of statement, the kind of suggestion of policy, which was openly made in high and responsible quarters of the French naval general staff in connection with the use of submarines. If, as he believed, they did not represent the views of the French Government, if, as he hoped and believed, they would be at once repudiated and in an effective manner, then possibly British apprehensions and the attitude which Britain was compelled to adopt with regard to the use of submarines in war might be very largely modified. He felt bound to give chapter and verse to illustrate the anxiety that was felt in regard to this matter. There was published quite recently in the "Révue Maritime," a technical and official publication, published in January, 1920, under the direction of the French naval general staff, a series of articles now incorporated, he believed, in "Synthèse de la guerre sous-marine" by Capitaine de Frégate Castex, who at that time was chief of one of the important bureaux of the French naval staff; who was now Chief of Staff of the Admiral of the second division in the Mediterranean and who had just been designated as principal lecturer to the senior officers' course for the next year. Therefore, he was not quoting some retired naval officer writing from his club; all countries suffered from such gentlemen who propounded extraordinary theories. He was speaking now of a responsible officer of the French naval staff in a high position, who wrote in particular an article on "Piracy," in which, after some preliminary observations destined to throw ridicule on those who criticized the German methods in the late war and to treat them with great contempt, he proceeded to say this:

"In the first place, before throwing stones at the Germans, we should have recalled that this war of the torpedo was, like so many other novelties of our planet, the application of an idea which in its origin was essentially French."

Then he quoted in support of his view the doctrine which had been laid down some years ago by Admiral Aube, who was a very distinguished and celebrated French minister of marine, who had used the following words when speaking of the use of the torpedo from a torpedo boat (Capt. Castex went on to point out that they were equally applicable to the submarine to-day):

"Will the torpedo boat tell the captain of the liner that it is there, that it is lying in wait for him, that it can sink him, and in consequence take him prisoner? In one word, will it seize its prize by platonic methods? On the contrary, at an appropriate distance, and unseen, the torpedo boat will follow the liner which it marks out for its victim. In the dead of night, quietly, silently, it will send to the abyss, the liner, cargo, passengers and crew; then with a mind not only serene, but fully satisfied with the results achieved, the captain of the torpedo boat will continue his cruise."

Capt. Castex continued:

"The Germans, as is their wont, have only appropriated in this case the invention of others. The young French school no doubt

only had in mind the torpedo boat as such, but, if the effect of the torpedo is independent of the tube which launches it, it will be agreed that the German submarine war had its germ in the observations quoted above. But approaching the question from a higher standpoint than that of mere inquiry as to who conceived this new form of warfare, it must be recognized that the Germans were absolutely justified in resorting to it."

Capt. Castex said, indeed, that to "neglect to do so would have been to commit a great blunder." Further:

"It is thus that resolute belligerents have acted throughout the course of history when people have been engaged in desperate conflict."

Further:

"To sum up, one can see nothing in the attitude of the Germans which, militarily speaking, is not absolutely correct. The failure to give notice before torpedoing has raised a storm of protest, but it is not so inadmissible as at first sight appears."

There were many other passages, Lord Lee continued, of a similar description, and interspersed among them was the laying down of a doctrine with regard to the value of submarines, to which the British Delegation heartily subscribed and to which it had shown its adherence in the debates which had preceded this:

"The submarine is a mediocre torpedo boat; that is to say, it has only very limited chances of damaging by means of a torpedo a ship enjoying, like itself, full liberty of movement on the broad sea, as is proved by the relative immunity enjoyed by big warships even in the most dangerous zones and at times when submarines were swarming around. With regard to submarines, the English seem to have an opinion very similar to that which we entertain."

There was much more of the same kind, but Capt. Castex concluded the first section of his article by quoting these words.

"After many centuries of effort, thanks to the ingenuity of man, the instrument, the system, the martingale is at hand which will overthrow for good and all the naval power of England."

Lord Lee said he had drawn attention to these passages because, as he had said, they were the utterances of a responsible member of the French naval staff who at the time of writing was in a high position and was the actual head of a bureau. These things were known to the British naval staff, of course; indeed, they were published to the world under the authority of the French naval staff. Now this officer, who was appointed principal lecturer to the Senior Officers' Course, would, no doubt, unless a change of policy took place, be pouring what the British delegation regarded as this infamy and this poison into the ears of the serving officers of the French Navy. That was the justification for what he could only describe as the apprehensions and even bitterness that the British delegation must feel in the thought that under any conceivable circumstances their present allies, their late comrades in arms in the greatest war the world had ever known, should contemplate the possibility of warfare of that kind. It seemed to him, now that these apprehensions had been expressed, that the way was open for the French delegation and the French Government, as he fervently trusted they would, to disavow and repudiate these things. He suggested respectfully that there was only one way in which that could effect-

ively be done, and that was by the adoption of these resolutions which had been moved by Mr. Root, and particularly No. 2, with the amendment suggested by Mr. Balfour attached to it.

The French had told the committee here again and again that they only required submarines for purposes of defense, particularly for the defense of their colonial possessions, their home ports, and their lines of communication. There had been differences of opinion as to the utility of submarines for these purposes, but now, it seemed to Lord Lee, there was an opportunity of proving to the world that they meant what they said in regard to this, and that they were not prepared under any circumstances to consider the use of submarines in the manner in which the Germans used them in the war, which a member of their general staff had claimed as their own and as being in every way legitimate and desirable. If that repudiation took place, in the only form in which it could be effective, then the position, so far as the British people were concerned, would be very largely changed; the feeling they had of apprehension and even of bitterness would be removed, because he was sure his French friends would believe him when he said this, that they took no pleasure in any kind of recrimination, public or private; they regarded it as an offense and a reproach to the world that such a thing should ever take place between them. But here was a situation where the very existence of Britain, its life as a nation, might be at stake, and now was the chance of the conference, and perhaps the only chance, of making its appeal to the world to remove the horrors which were so vivid in the minds of everyone. If this resolution as amended by Mr. Balfour were accepted by every nation around this table, as applying to themselves and their conduct in any future wars as between themselves, then, he thought he might say, that France would have regained much of the ground which he believed had been lost between them, largely through a misunderstanding, a genuine misunderstanding, in their hearts. If that were done all her friends, among whom he was proud to count himself one, would unfeignedly rejoice.

Admiral de Bon said, after thanking Lord Lee from the bottom of his heart for the flattering expressions used by him in regard to Admiral de Bon, he wished to declare that he considered it a great good happiness and a great honor in his life to have collaborated during several years, especially through the most trying hours of the war, with his friends of the British Admiralty, among whom he had made deep and lasting friendships which would endure as long as he lived.

He had been deeply gratified by Lord Lee's statement. Since the beginning of the discussion he had been unable to comprehend the misunderstanding which seemed to have arisen between them, because—he stated it openly and declared it most emphatically—there was nothing more foreign to the minds of the French than the idea of attacking a friend. It was not even conceivable to them. Their only regret was that this misunderstanding had lasted so long and that they had not known that it was based on an article like that written by Capt. Castex.

He was, it was true, an officer who belonged to the general staff, but who was attached to a literary section. He was above all a man

of letters. His article had been published in the *Revue Maritime*, which was, to a certain extent, an organ recognized by the French Navy, but on its title page it bore a statement to the effect that the French Admiralty and general staff declined to assume any responsibility whatever as regards the utterances contained in the articles, which responsibility rested wholly with the authors of the articles. Each writer was free to express his own opinions, but he did so at his own risk.

The charge should be laid at the door of the man who wrote that article, and to him only. The article in no way represented, thank heaven, the views of the French Navy.

Capt. Castex brought up an old argument regarding the torpedo boat. Admiral de Bon had told the committee only the other day, in regard to the submarine, that once more the same stages of discussion were being gone through which marked the appearance of the torpedo boat. There had been no instance in history when the appearance of a new weapon had not unleashed a sort of fanaticism in the ranks of the partisans; there were always extremists who wished to impose their ideas, and made fantastic statements to that end. But in the end common sense always stepped in and public opinion kept the ultimate judgment within reasonable limits.

At the time when frantic enthusiasts believed that torpedo boats were the noblest of inventions, abominable things appeared in print which had no effect on actual practice or on the doctrines adopted by the various Governments with regard to the use of torpedo boats. He could find no better way of condemning the article in question.

The author of that article had written what the French delegation considered to be a monstrosity. The French delegation had repeatedly stated that it unreservedly condemned the practices of the German submarines during the late war and that it desired that a declaration strongly condemning them should issue from the conference and be spread over the entire world.

He begged Lord Lee to believe that the French Navy had never harbored any idea of using methods of war practiced by the German submarines (for which they felt only horror) against the British Empire, nor against any other country whatever.

He maintained that the honor of the French general staff, and of the French Navy, which had a record of centuries of struggle without a single stain on their escutcheon—could not be sullied by the article in question. This article was the work of an officer who was a man of letters rather than a sailor; and Admiral de Bon formally repudiated it in the name of the French Navy.

Mr. Sarraut said that although he must await the instructions of his Government with regard to certain points in the resolutions proposed by Mr. Root, he had no need of any instructions to associate his sentiments with those of Admiral de Bon, which he solemnly confirmed as head of the French delegation, or to offer the French Government's formal repudiation of those methods of warfare which had just been mentioned.

He hoped that these explanations—he thanked Lord Lee for having given him the opportunity to make them—would be of such a character as to dispel for all time the misunderstanding which, to his profound regret, had arisen between them—a misunderstand-

ing of which he did not comprehend the reason or the nature. He hoped and believed, moreover, that all the delegates might draw a lesson of mutual confidence from this incident which would permit them in future to avoid misunderstandings of this sort by forming the habit of frank and forehanded explanations. The misunderstanding which had arisen might easily have been avoided, even before it was thought of, by a direct and friendly conversation in which the French delegation would have been glad to take part had the opportunity been offered them. In future, as far as they were concerned, they would continue to have the same sincere desire to explain their point of view before public opinion had been molded under such circumstances as had been seen.

Lord Lee had uttered a word with which he (Mr. Sarraut) would not reproach him, for he did not wish to use the word "reproach" in speaking of friends. He had spoken of the ground which had been lost by France since these deliberations commenced. This phrase was well known to the French delegation; they had heard it throughout the war; there were days when France lost ground or positions which nevertheless she contrived to regain immediately. He was well aware that every day in the press the French delegation witnessed a campaign of bitter criticism launched against their country, against the motives of France, to the end that she might be made to appear under an aggressive guise of imperialism and militarism. That very morning there was an odious caricature representing France trying on the spiked helmet of Prussia. The French delegation had borne these attacks calmly and with serenity, not wishing to embitter the discussion by replying to them. Strong in their right and in their loyalty, they had remained silent in spite of the violent prejudice which this campaign was arousing against them. There were times, Mr. Sarraut said, when one must suffer for one's friends; true friendship was measured by the extent of the sacrifices suffered in its name; but, just as the French delegation had never dreamed of holding their British friends responsible for these cruel attacks, so the British delegation should not dream of thinking that that organization which France had created for her national defense, in the name of the right of French sovereignty, and for the protection of vital interests with which the French were better acquainted than any one else, could possibly be directed against friends.

If each and every day the members of the French delegation had to continue to defend themselves against such suspicions; if, when they had come here for the purpose of working for the proposed peace by means of the reduction of armaments, they must constantly see the specter of war dangled before them and be made aware of an undercurrent of thought concerning mutual threats or of the idea that is attributed to them of plans of aggression against those who had mingled their blood with that of the French soldiers on all the battle fields of the greatest war the world has known; then indeed they would be impatient to see the end of a conference which had brought them the bitterness of such a disappointment. They were impatient to see a clearing of the atmosphere and the disappearance of all unwholesome insinuations. The French people had been given to understand (and in what terms!) that even before recon-

stituting their defensive forces, and before thinking of again fortifying their country against renewed devastation, they would do well to pay their debts. They felt no shame for those debts, nor did they forget them; they regarded them with pride as the wounded man his scars.

There were things more painful to the French people than these; the lack of confidence in their gratitude and affection toward their great ally. Mr. Sarraut said that he could attest its sincerity and with very deep emotion. He had had the honor to be a member of the cabinet at the moment when the war of 1914 was declared against them; and never without profound emotion did he recall the feeling of exaltation that he experienced when, in ministerial council, he learned that the English Army which the Emperor of Germany had called the "contemptible little army," and which was to become the great and powerful British Army, had just aligned itself resolutely at the side of France in the vast conflict which was looming up. He would never forget that hour; it was eternally graven on his heart; and it had always dominated his thought. Truly there had been enough of these misunderstandings; they must be done away with! Mr. Sarraut, for his part, hoped for it with all his heart! Mutual confidence free of all reserve must again prevail among the nations represented at the conference. In this respect the French Government had given and was ready to give every guaranty; its word indeed should suffice. Mr. Sarraut concluded by saying that if he did not ask to pursue the discussion of the second resolution, and to formulate the conclusions which as all present must appreciate rose to his lips, it was in order that the expression of his feelings might have not only the authority of the head of the French delegation but might be clothed with all the moral force that belonged to the decisions of the French Government.

Mr. Hanihari said that so far as the Japanese delegation itself was concerned no objection was seen to the adoption of Article II of the proposed resolution as amended by Mr. Balfour. However, as a matter of formality and procedure, they were required to submit to their Government the precise text of it, and ask for instructions thereon before they could give formal assent to it.

The chairman asked whether anyone desired to speak further upon this matter at that time. As the representatives of three of the Governments were not in a position at the moment to speak under definite instructions with respect to this article, it seemed desirable that the discussion should be postponed. The committee would then come to the third resolution; but anticipating what would probably be said with regard to it, the chairman suggested that the same course be adopted, and that both these resolutions (which had a relation to each other) should go over for further discussion until such time as the chairman was advised by the delegations that they had received instructions and were ready to proceed.

Senator Pearce said that there was one point involved in Article III which might possibly require amendment, and, if so, he thought it might be advisable to embody this amendment at once. He referred to the fact that the declaration included persons in

service of any of the powers "adopting these rules." If the resolution were adopted in its present form, it would mean that whilst the officers of the nations which adhered to these articles would be liable to the penalty under Article III, the officers of nations not adhering would not be so liable. He thought, however, that an amendment should be made so that the rules might become part of international law, with general application, in order to be effective.

Mr. Root said that the point to which Senator Pearce had referred was very important and very interesting. The draft limited its operations to those powers which had adopted the rules; but the question whether it should be so limited or should extend to other powers was a question open to discussion, upon which different views might be taken. That question was in the proposition, and as it seemed to be understood that there was not to be a discussion upon the subject at the time, he would content himself with an acknowledgment to Senator Pearce of the importance and interest of the suggestion which he had raised.

The chairman said that it seemed quite clear that the committee should not proceed with the discussion of these resolutions in parts when several of the delegations were not in position to discuss them under appropriate instructions. As had been said, the point which had been raised by Senator Pearce was one which could not very well be discussed without bringing into the discussion the general bearing of the resolution, its import, the policy involved in it, and a number of questions which would have relation to the particular point raised. With the committee's permission he would assume that the discussion of both the second and the third resolutions should be postponed until the chair was advised that the delegations had heard from their Governments and were ready to proceed with the discussion; in the meantime, of course, any amendments which occurred to any of the delegates for the purpose of clarification or modification could be brought to the attention of Mr. Root or of the chair, so that they might be circulated, if desired, among the delegations and might be taken under advisement pending full explication and consideration at the time when the discussion was resumed.

With the committee's permission, therefore, the resolution which had been proposed the other day, and the discussion of which had been postponed with respect to the limitation of the tonnage of individual ships of war, other than capital ships or aircraft carriers, would be taken up. That resolution, as proposed and as amended, was now presented as follows:

"No ship of war other than a capital ship or aircraft carrier hereafter built shall exceed a total tonnage displacement of 10,000 tons, and no guns shall be carried by any such ship other than a capital ship with a caliber in excess of 8 inches."

The chairman said that the committee would recall that general agreement had been expressed with the provision of the resolution as to the limitation of armament in the case of ships of war other than capital ships or aircraft carriers, i. e., that no guns should be carried with a caliber in excess of 8 inches.

There were reservations, however, with respect to the limitation on total tonnage, i. e., the suggested limitation of a total tonnage

displacement of 10,000 tons. The chairman asked if the committee would take up the discussion of this question.

Baron Kato said that on behalf of the Japanese delegation he accepted the proposal to limit the tonnage of light cruisers to 10,000 and the caliber of guns carried by such ships not to exceed 8 inches. He asked, however, that he be permitted to make a suggestion while he was on his feet. The question of large merchant ships with high speed should be considered according to the principle enunciated in paragraph 30 of the original American plan. Unless this question were settled, he feared that the limitation put upon light cruisers would remain meaningless.

16. The chairman said, with reference to the last suggestion of Baron Kato, that he ought to say that the question of merchant ships and appropriate regulations with regard to their use or to the armaments applied upon them, to the end that they should not be used to contravene or make futile the limitations upon which the committee might be able to agree, would be brought up later for discussion. That was a very important matter.

With respect to the range of application of the present resolution, he felt bound to call the attention of the committee to the fact that originally it had been proposed to refer to auxiliary cruisers, but that at the suggestion of Lord Lee, that resolution had been amended to read as follows: "No ship of war other than a capital ship or aircraft carrier;" he assumed that the limitation therein expressed referred to every ship of war other than a capital ship or aircraft carrier, of every sort built hereafter.

There were three exceptions to the application with respect to tonnage displacement and armament, and those three exceptions were capital ships, aircraft carriers, and ships now existing. These were the three exceptions. This did not apply to any ship existing, but it did apply to every ship of war hereafter built which did not come within the category of capital ship or aircraft carrier. It was important that that be understood before it was acted upon.

If he had interpreted the amended resolution correctly, he was inclined to the view that its meaning would be clearer, if there were some change in the arrangement of the words, and he suggested the following:

"No ship of war hereafter built, other than a capital ship or aircraft carrier, shall exceed a total tonnage displacement of 10,000 tons, and no gun shall be carried by any ship of war hereafter, other than a capital ship, with a caliber in excess of 8 inches."

The chairman then asked whether the committee should proceed to a discussion of this question.

Admiral Acton accepted for the Italian delegation the proposal just read by the chairman.

The chairman said that the situation was that all the powers present had accepted the resolution with the exception of the French delegation, which had not as yet received definite instructions upon the point. The matter would therefore be delayed until he was notified that such instructions had been received.

The meeting was then adjourned until 3 p. m., December 30, 1921.



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The meeting was then adjourned until 3 p. m., December 30, 1921.

## FOURTEENTH MEETING—FRIDAY, DECEMBER 30, 1921, 3 P. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Knowles.

*France.*—Mr. Sarraut, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal.

*Italy.*—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi.

The Secretary General. Assisted by Mr. Cresson and Mr. Pierrepont. Mr. Camerlynck, interpreter.

1. The Fourteenth Meeting of the Committee on Limitation of Armament was held in the Columbus Room, Pan American Union Building, on Friday afternoon, December 30, 1921, at 3 o'clock.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Knowles; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Ichihashi.

The secretary general of the conference, assisted by Mr. Cresson and Mr. Pierrepont, was present. Mr. Camerlynck (interpreter) was also present.

The chairman (Mr. Hughes) said that he assumed that the next subject to be brought before the committee for discussion was the proposal with regard to the total tonnage of airplane carriers which each of the powers should have as a maximum under the proposed agreement. This was item 23 of the proposal circulated at the opening of the conference on behalf of the American Government.

"It was proposed that the total tonnage of airplane carriers allowed each power should be as follows:

United States .....	80,000 tons.
Great Britain .....	80,000 tons.
Japan .....	48,000 tons.

"Provided, however, that no power party to this agreement whose total tonnage in airplane carriers on November 11, 1921, exceeds the prescribed tonnage shall be required to scrap such excess tonnage

until replacements begin, at which time the total tonnage of airplane carriers for each nation shall be reduced to the prescribed allowance as herein stated.

"24. (a) All airplane carriers whose keels have been laid down by November 11, 1921, may be carried to completion.

"(b) No new airplane carrier tonnage except replacement tonnage as provided herein shall be laid down during the period of this agreement; provided, however, that such nations as have not reached the airplane carrier tonnage hereinbefore stated may construct tonnage up to the limit of their allowance.

"25. Airplane carriers shall be scrapped in accordance with methods to be agreed upon."

And there was a supplement to those proposals, the additional proposal being as follows:

"No airplane carrier shall be laid down during the term of this agreement whose tonnage displacement is in excess of 27,000 tons, and no gun shall be carried by any such ship other than a capital ship with a caliber in excess of 8 inches."

The chairman said that he ought to add that the allowance to the United States, Great Britain, and Japan, as stated in item 23 of the proposal, was based on the ratio which had been proposed with respect to capital ships of 5-5-3, and, if the same ratios were provided with respect to France and Italy as would be furnished by the relation of the capital ship tonnage agree upon, of course the figures would correspond accordingly.

There were a number of points embraced in the proposition. He supposed that it would be an advantage that the committee should not scatter the discussion by talking to different points at the same time; and, if it was quite agreeable to the delegates, he would suggest that the committee begin with the discussion of the maximum limitation of total tonnage, i. e., the maximum allowed for the total tonnage of airplane carriers—not the maximum for individual carriers, but the total tonnage allowed for airplane carriers as stated in the proposal, namely, United States 80,000 tons, Great Britain 80,000 tons, Japan 48,000 tons, and so on in proportion to the capital ship tonnage allowed.

Admiral Acton then read the following statement:

"With respect to aircraft carriers, the American proposals assign to Italy 28,000 tons, corresponding to the capital ship tonnage of 175,000 tons already determined upon. This would permit the construction of only one aircraft carrier of the maximum of 27,000 tons agreed upon for this class of vessel. It must, however, be taken into consideration that if a single vessel of this character were obliged to go into dry dock or were to be sunk at sea, Italy would find herself under these circumstances temporarily or definitely without any aircraft carrier whatsoever. We believe it therefore to be indispensable that we should be equipped with a total tonnage of aircraft carriers superior to that which has been assigned to us. To be precise, we ask as our minimum a tonnage corresponding to a figure double that of the maximum tonnage displacement allowed to individual vessels of this class, i. e., 54,000 tons. It is moreover understood that if a tonnage superior to 54,000 tons is assigned to any other Mediterranean power, we demand a parity of treatment

in this respect; i. e., we demand the allowance of an equal amount of tonnage."

The chairman said merely as a matter of clarification he would like to ask whether, when Admiral Acton spoke of "any other power in the Mediterranean," he included Great Britain.

Admiral Acton replied in the negative.

Lord Lee said he had listened with attention and with a certain sympathy to the remarks of Admiral Acton, because the admiral had suggested a situation which might and perhaps must occur in every navy through a ship being out of action at intervals during her career. The admiral had complained that, having only one airplane carrier, the Italian Navy would be deprived altogether of that arm if their one ship happened to be in dock or out of action. Looking at the matter impartially it appeared to him that the claim put forward by the Italian delegation was very difficult to resist. Since the proposal of the United States delegation to limit the maximum size of airplane carriers to 27,000 tons, with an armament not to exceed the 8-inch gun, he himself had had an opportunity to discuss the matter with his experts. They regarded those limits as reasonable and in strict accordance, so far as the British Empire was concerned, with the up-to-date needs of airplane carrier construction. Without claiming undue credit for the British Navy, he thought, perhaps, that it had experimented with and developed this class of vessel to a greater extent than had any other navy, and in the opinion of his experts the limits proposed provided all that was necessary for fleet purposes.

At this point Lord Lee said he would like to mention that the airplane carrier was essentially a fleet weapon. It was not an independent unit, but was essentially an auxiliary to a modern fleet, and it was therefore important that the number of airplane carriers should be adequate and proportionate to the size of the fleet. For this reason the British Empire delegation associated themselves with the view that the ratio of capital ships could be applied also to airplane carriers in order to bring both number and tonnage into line with actual requirements. At the present time the British Navy possessed five airplane carriers, which included four vessels which were really experimental, and three of which were small and inefficient. These vessels, in fact, were in the nature of gropings, in the light of experience gained by the war, and certainly four of these were experimental and obsolete. In these circumstances, whatever decision might be reached as regards the total tonnage, he would have to demand that Great Britain should be entitled, in spite of the rule as regards new construction, which would be discussed later, to scrap at any moment the experimental ships which they now possessed and to replace them with new ships designed to meet the requirements of the fleet. This was the only way in which the British fleet could attain that equality with the other fleets to which it was entitled. With that reservation the British Empire delegation regretted, in view of the fact that submarines, which were an important weapon of war, were to be continued, and airplane carriers were an equally important weapon of antisubmarine defense, that it would be impossible to reduce the number of their airplane carriers for fleet service. In these circumstances the delegation to which he

belonged felt that the tonnage laid down in the original American proposals was inadequate to the essential requirements of the British Empire, as indeed it must be if the British Navy was to have numbers proportional to the number required by Italy, and he presumed by the other powers. Before committing himself finally to the exact figures at which he thought the total tonnage limit should be fixed, Lord Lee said he would be glad to hear the views of the other delegations present. The British Empire delegation were most anxious, as indeed they had shown, to limit not only armaments, but expenditure on armaments, and they were most anxious to avoid competition in every class of craft, and therefore to limit the numbers and tonnage of airplane carriers to the lowest point compatible with safety.

In conclusion Lord Lee said he would like to hear the views of his colleagues of the other delegations.

Admiral de Bon said that the question of the total tonnage of aircraft carriers was evidently intimately related to the maximum of each unit. Now, in this respect, there was evidently great uncertainty, aircraft being still the subject for further study and examination, and he did not see that in any country definite views concerning a type of aircraft had been reached. If there were uncertainty with regard to aircraft, this uncertainty would evidently apply to the aircraft carriers. The decisions which the committee could take on this subject were therefore marked in advance by a degree of weakness due to this uncertainty, and could therefore be only provisional.

Having made this reservation, Admiral de Bon asked nothing better than to support the views of the other members of the committee. In the present case it could be assumed that about 25,000 tons would be the maximum tonnage of an ordinary aircraft carrier.

The French delegation considered that France actually required two aircraft carriers for European waters. This followed the same line of reasoning advanced by Italy. They also considered that a third was necessary for use in their colonial possessions. The use of aircraft for police purposes in the colonies was considered by them as of the greatest service. If newspaper reports might be believed, the French delegation suggested that an actual example of this fact was now offered in Egypt where, in order to maintain order, the effect created by the presence of aircraft was invaluable.

Admiral de Bon stated that in view of the above the French delegation considered that three aircraft carriers were necessary for the needs of France. If each one of these were of 25,000 tons, that would make a total of 75,000 tons; but in order more nearly to approach the general wishes expressed, he said that he would voluntarily agree that 60,000 tons might be sufficient for the present, and by a rearrangement of tonnage three vessels might be built in conformity with this allowance.

Admiral Baron Kato said that he had listened with pleasure to the remarks made by Lord Lee on the question of airplane carriers. Lord Lee's sympathies with the Italian demand for two carriers were in accord with his position. He too believed the Italian demand to be justifiable.

Now the American proposal allowed Japan a total tonnage of 4,000 with which she could construct only one and a half airplane

carriers. That would not, in his judgment, give Japan a sufficient force for her protective purposes. Admiral Baron Kato sought permission again to call the committee's attention to the insular character of his country, the extensive line of her coast, the location of her harbors and the susceptibility of her cities, built of frame houses, to easy destruction by fire if attacked by air bombs. All these necessitated Japan's having a certain number of airplanes and "portable" airplanes, that is to say, a means of distributing airplanes in such a manner as adequately to meet her local needs. Japan could not have an enormous number of airplanes to be stationed in all places where they were needed because she was economically incapable. To meet all these needs Japan was exceedingly desirous to have three airplane carriers of 27,000 tons each or a total tonnage of 81,000. In asking for this increase, he would, of course, raise no objection to a proportionate increase on the part of the United States or Great Britain.

The chairman said that, as he understood it, the situation disclosed by the discussion was as follows: Great Britain desired five airplane carriers at whatever the maximum for each individual ship might be taken to be, and, if that were 27,000 tons, it would mean a maximum of 135,000 tons. France desired 60,000 tons, which of course, could be divided in such a way as would be deemed best suited to the special needs of France. Italy desired two, which, at a maximum of 27,000 tons, would make an allowance of 54,000.

Japan desired three, which, at the maximum of 27,000 tons, would be 81,000 tons.

Now, the chairman continued, this appeared to be, with the single exception of a very slight difference between 54,000 and 60,000 in the case of France, in the ratio of the capital ships. It was quite apparent, for the reasons that had been very cogently presented, that the original figures of the American proposal would not meet what were deemed to be the needs of the various governments. He also understood that there was agreement by all that the caliber of guns carried should be limited to 8 inches, in connection with the suggested maximum tonnage of 27,000 tons.

If that disposition was agreeable to the other powers, he saw no reason why the American delegation should not accept it, with the maximum allowance for the United States corresponding to that which Great Britain had asked. And he assumed also that there would be no objection, if France had this slight excess over the exact amount allowed by the ratio, that is, 60,000 tons instead of 54,000 tons, in allowing Italy a corresponding amount on the basis of parity for which Italy had always contended.

If that was agreeable, he would put it to a vote, unless it was desired to continue the discussion further.

The delegations being polled in turn, each voted in the affirmative.

The chairman said that he understood that that vote, in view of the discussion which had preceded it, might, without separate action, be taken to include the maximum of 27,000 tons for the individual tonnage, and the armament of 8-inch guns.

The chairman added that in the course of his remarks, Lord Lee had referred to a fact which had been emphasized by other dele-

gates, namely, that the development not only of airplanes, but of airplane carriers, was in an experimental stage and that the airplane carriers which they now had were not deemed to be anything more than experiments; hence, that the proposal made at the beginning, which was stated in item 24 of the proposal, i. e.:

"No new airplane carrier tonnage except replacement tonnage shall be laid down during the period of the agreement would not be applicable to the situation in which the powers found themselves, because the existing tonnage was not of a definite type, but provisional and experimental; and that, therefore, those who had carried their experimentation to the point of having actual ships would be placed at an inequitable disadvantage as compared with those who had not built their ships and who could take advantage of the latest information and inventions. That seemed to be a very reasonable position, and the American delegation would bring forward a proposal based on the liberty of the powers to consider the existing airplane carrier tonnage as an experimental tonnage and to provide for replacement from that standpoint."

Subject to that matter of replacement of airplane carriers (which, he assumed, might well go with the other provisions as to replacements now under consideration by the technical staffs) he believed that there was nothing more that need be considered at this time with regard to airplane carriers. He asked whether he was right in this assumption.

In view of what had been said in the general discussion, he understood that that was the view of all present, but perhaps he should ask for a definite expression. Without awaiting the drafting of a specific resolution at the moment he would ask whether there was assent to the proposal to regard existing airplane carriers as being of an experimental character and to the principle that, in defining the rule of replacements as to airplane carriers, each power should be entitled to proceed to supply itself, to the maximum stated, with airplane carrier tonnage.

Lord Lee asked, in order to avoid misunderstanding, if it was understood that the principles of replacement, which he had indicated as desirable, were accepted.

The chairman answered that this was of course so, with the understanding that the old experimental carriers should be scrapped; that it was understood that this liberty was a liberty of replacement, not a liberty of addition.

The chairman said that the United States of America assented to the proposal he had just made. He then polled the other delegations and each replied in the affirmative.

The chairman declared the proposal unanimously adopted.

The chairman said that there were a number of points stated in the American proposal with respect to replacement and scrapping and other restrictions and regulations. He had no desire to preclude discussion in the slightest degree on any of these points, but possibly, as they were almost all of a technical character, it would be of advantage to have the experts, who were considering the replacement chart, consider all these detailed matters relating to capital ships and air-



plane carriers, the two subjects upon which an agreement had been reached, and bring in for the consideration of the committee a statement both as to replacement and the particular regulations as to scrapping which they proposed to suggest, and as to any other restrictions or modifications of restriction contained in the American proposal.

Those matters being relegated for the moment to the consideration of the subcommittee of experts, he asked whether there was any other question which the committee desired to discuss in relation to the limitation of naval armament.

The chairman then said that he supposed it would be in order to have a formal agreement prepared relating to capital ships and including the limitation of the size of individual ships of war and the armament of individual ships, as well as the limitation upon the size and armament of airplane carriers themselves. That agreement might be put in course of preparation while the experts were dealing with the replacement chart in detail. In other words, the committee could have the general form of it, the articles upon which it had agreed, in the course of preparation and that could await the insertion of the particular details of replacement, etc., when they were ready.

His suggestion, then, would be, if the committee had nothing further it wished to discuss at the moment in relation to naval armament, that a committee be formed consisting of the heads of the delegations, merely to take note of the progress that was made with the preparation of the agreement and of the progress that was made by the committee of experts, and to have such informal consultations as might seem helpful in the course of that work, and that the committee should adjourn subject to the call of the chair and a meeting could be had when this agreement was ready to be presented for consideration and approval. He inquired whether this was acceptable. He said he should add to this that, as he understood it, in the matter of the resolution presented by Mr. Root which the committee had had under consideration at the morning meeting—that is, the second and third resolutions as well as the resolution with regard to the tonnage of individual auxiliary craft, the committee was awaiting the receipt of instructions by certain of the delegations, and that as soon as the committee could take them up, the chair would call a meeting for that purpose. There was also the subcommittee dealing with the first resolution, as to submarine warfare, and whenever that committee was ready to report the chair would be advised.

In conclusion, the chairman, at the request of Mr. Root, announced that there would be a meeting of the subcommittee to which the first resolution regarding the rules of international law covering submarine warfare had been referred, on Saturday morning, December 31, at 11 o'clock in the Governors' Room, to which each member might bring any expert or experts he might desire.

The chairman assumed that there would be no objection to making public all that had been said at this meeting.

The committee then adjourned at 4.45 p. m., subject to the call of the chair.

**FIFTEENTH MEETING—THURSDAY, JANUARY 5, 1922, 3.30 P. M.****PRESENT.**

*United States*—Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark, Mr. MacMurray.

*British Empire*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Flint, Mr. Mousley.

*France*—Mr. Sarraut, Mr. Jusserand, Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Mr. Ponsot, Capt. Odend'hal, Commandant Frochot.

*Italy*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

*Japan*—Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The secretary general, accompanied by Mr. Cresson and Mr. Osborne.

Interpreter, Mr. Camerlynck.

1. The fifteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building, on Thursday, January 5, 1922, at 3.30 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Colonel Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Admiral de Bon; for Italy, Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Captain Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark, Mr. MacMurray; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Flint, Mr. Mousley; for France, Mr. Kammerer, Mr. Denaint, Mr. Ponsot, Capt. Odend'hal, Commandant Frochot; for Italy, Marquis Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The secretary general, assisted by Mr. Cresson and Mr. Osborne, was present. Mr. Camerlynck, interpreter, was also present.

The Chairman, Mr. Hughes, said that the committee had met to continue the discussion of the resolutions which had been proposed relating to submarine warfare for the use of submarines in war. He suggested, in order that the committee might proceed as expeditiously as possible, that it take up the first of these resolutions, for the purpose of discussing it separately and not for the purpose of discussing what might be embraced in other resolutions.

The chairman said that this first resolution purported to state existing international law. It had already been discussed at con-

plane carriers, the two subjects upon which an agreement had been reached, and bring in for the consideration of the committee a statement both as to replacement and the particular regulations as to scrapping which they proposed to suggest, and as to any other restrictions or modifications of restriction contained in the American proposal.

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## PRESENT.

*United States*—Mr. Hughes, Senator Lodge, Mr. Root, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark, Mr. MacMurray.

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The Chairman, Mr. Hughes, said that the committee had met to continue the discussion of the resolutions which had been proposed relating to submarine warfare for the use of submarines in war. He suggested, in order that the committee might proceed as expeditiously as possible, that it take up the first of these resolutions, for the purpose of discussing it separately and not for the purpose of discussing what might be embraced in other resolutions.

The chairman said that this first resolution purported to state existing international law. It had already been discussed at con-

siderable length, and the matter had been referred to a subcommittee on draft to consider such verbal changes as might be found advisable in order to express succinctly but with complete accuracy the existing principles of law upon the subject to which the resolution referred.

The chairman then asked Mr. Root to present the resolution in the form upon which the drafting subcommittee had agreed.

Mr. Root said that in presenting the resolutions referred to it, the subcommittee had divided what was included under No. 1 into two parts, making Resolutions I and II.

Mr. Root then read the first two resolutions as follows:

"I. The signatory powers desiring to make more effective the rules adopted by civilized nations for the protection of the lines of neutrals and noncombatants at sea in time of war, declare that among those rules the following are to be deemed an established part of international law:

"1. A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

"A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"2. Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

"II. The signatory powers invite all other civilized powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

Mr. Root stated that the subcommittee had agreed unanimously on these two resolutions but that Senator Schanzer had requested that the following entries be made in the minutes of the subcommittee:

"It is declared that the meaning of article 2 is as follows: Submarines have the same obligations and the same rights as surface craft."

And:

"With regard to the third paragraph of article 1, it is understood that a distinction is made between the deliberate destruction of a merchant vessel and the destruction which may result from a lawful attack in accordance with the rules of the second paragraph. If a war vessel under the circumstances described in paragraph 2 of article 1 lawfully attacks a merchant vessel, it can not be held that the war vessel, before attacking, should put the crew and passengers of the merchant vessel in safety."

The chairman stated that the question before the committee was the adoption of this resolution, which, as now formulated, was in two sections. He supposed there would be no special point raised by the second section; but possibly, as there were two distinct sections, it might be well to deal with them separately. Therefore he would present for consideration the first provision as read by Mr. Root. The chairman then read Resolution I as given above.

The chairman asked Mr. Root whether it was the intention in Mr. Root's report to have the declaration made by Senator Schanzer as a part of the recommendation of the subcommittee.

Mr. Root replied that Senator Schanzer had merely asked that that entry be made in the minutes.

Senator Schanzer stated that the Italian delegation accepted Resolution I but that, so far as they were concerned, the application of the resolution was subject to the two statements made by him in the subcommittee as entered on the minutes of the first meeting (Dec. 31, 1921) of the subcommittee of five on drafting and as just read by Mr. Root.

Senator Schanzer stated, in addition, that the Italian delegation understood the term "*merchant vessel*" in the resolution to refer to *unarmed merchant vessels*.

Mr. Hanihara said that he wished to suggest that the word "seiz" should be substituted for "capture" in the last paragraph

Mr. Root, replying to Mr. Hanihara, said that the subcommittee understood the word "capture" to describe the whole process, one step of which was *seizure*, and that it was intended to make the term "capture" comprehensive.

Lord Lee said that there were only two points to which he wished to draw attention. The object of the signatory powers was stated to be to make more effective rules for the protection of the lives of neutrals and noncombatants at sea in time of war. So far as submarines were concerned, the resolution was a step in that direction. Having stated the principle, however, there appeared to be one serious omission in carrying it out, inasmuch as no provision was made for dealing with attack by aircraft. If it were possible for a submarine to make provision for the safety of the passengers and crew, a fortiori, this was still more impossible for aircraft. Hence, if the committee were to lay down principles, it ought also to provide that in article 2 the words "and aircraft" should be inserted after the first two words "belligerent submarines," and also in the third line the words "or aircraft" should be added after "a submarine." Otherwise the committee would be permitting a peculiarly inhumane method of warfare, namely, attack on merchant ships by aircraft armed with torpedoes. That was the first point and perhaps it would be best to deal with that separately.

The chairman said he did not desire to press upon the committee a mere question of procedure, but he felt it was very important in the interest of progress that the committee should make its procedure as simple and as definite as possible. As the committee had a subcommittee on aircraft had been appointed, to consider the number and use of aircraft, and other questions which usually engage the attention of the delegates in relation to aircraft. He greatly feared that, if the question of aircraft were introduced in this discussion, it would be very difficult to proceed to the discussion of either question. He had no desire to forestall in any way the discussion of the important question raised by Lord Lee. He suggested to the committee that possibly a separate discussion of the matter of aircraft might be useful, unless Lord Lee had the point that there should be no statement of the

submarines unless some restriction were put upon the use of aircraft. That would make the proposition clearly germane. But, if it were not intended to go so far as that, the chairman hoped that the matter of aircraft, which presented difficulties of its own, would be reserved for a separate discussion. The chairman hoped Lord Lee would pardon him for this suggestion, but it was made merely in the interest of expedition.

Lord Lee said he certainly had no intention that the first resolution should not be adopted unless aircraft was dealt with therein. It would be improper to take such a stand. He had thought, however, that this would be the most convenient method of dealing with the question of aircraft, since the rules for submarines were applicable also to the latter. If, however, aircraft were to be dealt with in a separate discussion, he would not object to the procedure proposed by Mr. Hughes. He had only wished to draw attention to what appeared to him a very serious omission. If it was the general desire to deal with aircraft separately, he would not wish to contest it.

The chairman stated that it was quite impossible, of course, to forecast the result of a discussion with regard to the use of aircraft. There might be questions pertaining to aircraft of a different sort from those pertaining to submarines, so that no assurance could be given that this or that disposition would be made of the matter; the point was simply that the question of aircraft might profitably be considered by itself, without dealing with it in the same resolution in which the existing international law as to submarines was dealt with. With Lord Lee's permission, therefore, discussion would be continued upon the original resolution as to submarines.

Lord Lee said he would now develop his second point. He was not sure if he had understood Senator Schanzer to say that the Italian delegation only accepted Resolution I on condition of a drastic change in international law under which merchantmen would not have the right to be armed against attack from any quarter. The arming of merchant ships was not a purely British practice; it was recognized in the Italian Code of 1877, which laid down that a merchant ship which was attacked might be ordered to defend itself and even to seize the enemy. He did not suppose that Senator Schanzer proposed to destroy the privilege allowed the merchantmen to defend themselves.

Senator Schanzer said that he would like to observe, with respect to what Lord Lee had said, that a limitation of the armament of auxiliary vessels had already been fixed. It had been agreed that they might not carry guns of more than 8-inch caliber. No rules, however, had been established governing the principles to be applied to merchant vessels, nor had they been forbidden to carry armament above a certain caliber. This omission might be dangerous, and even change their character. There were merchant vessels of 45,000 tons which might carry armament even heavier than 8 inches. Were these merchant vessels or not? The committee had established that a submarine should not attack a merchant vessel except in conformity with a resolution which had been adopted. Yet a merchant ship with guns was a war vessel. Might not a cruiser attack such a vessel? This was a point which Senator Schanzer believed should be cleared up. He said that he could not agree that a merchant vessel.

even one armed with 6-inch guns, had rights which a surface cruiser must respect. It was aimed to lay down rules for the advantage of a merchant vessel, not of vessels of war. He said that he felt that a declaration was necessary concerning this matter.

Lord Lee said he thought the difference between Senator Schanzer and himself was not really so great as appeared. Senator Schanzer appeared to him, perhaps, to have confused two things. It had been considered absurd to limit the armament of light cruisers and not to impose any limitation on the armament of merchant ships. When this question, which was a purely technical one, came to be discussed, he would be willing to apply the principle that the armed merchant cruiser must not be more powerful than the light cruiser. He understood, however, that Senator Schanzer had said that merchant ships must not be armed at all. That would involve an alteration of international law which the British Empire delegation could not possibly accept.

Senator Schanzer said he did not deny that under the existing rules of international law a merchant vessel might properly carry a limited armament for defensive purposes, but he wished to say that the Italian interpretation of the term "merchant vessel" took into account this limitation. He therefore repeated that the Italian interpretation was in accord with his preceding declaration and with the existing rules of international law.

The chairman stated that he supposed that this subject, which presented endless opportunities for exposition, might be left with the suggestion that, under this resolution, merchant vessels remained as they now stood under the existing rules of law, with all their rights and obligations; that the resolution then undertook to state what might be done by submarines in relation to merchant vessels thus placed. The chairman thought it hardly necessary that the committee should enter into a discussion of the question; although he had no desire to preclude discussion of any sort, yet he hardly thought it necessary to enter into a review of all the rules of international law as to merchant vessels and their rights and obligations. He assumed that all the representatives present accepted the proposition that merchant vessels, as merchant vessels—a category well known—stood where they were under the law, and that this resolution defined the duties of submarines with respect to them.

The chairman thereupon put resolution I to vote.

The chairman assented on behalf of the United States.

Mr. Balfour assented for the British Empire.

Mr. Sarraut said that the French delegation would give its full adherence to resolution I, but that an interesting discussion had just taken place the results of which he had not quite understood. He suggested that, if Senator Schanzer's statements were not attached to the resolutions, they should be recorded in the minutes.

The chairman replied that the question was on the adoption of the resolution, and asked whether France assented.

Mr. Sarraut replied that it did.

Senator Schanzer, speaking for Italy, and Mr. Hanihara, speaking for Japan, assented to Resolution I, and the chairman stated that the assent of the United States of America and the British Empire had been given and that Resolution I was unanimously adopted.



The chairman thereupon stated that Resolution II was the second part of the original Resolution I, and read it, as follows:

"The signatory powers invite all other civilized powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents."

The chairman asked if the delegates were ready to proceed with the discussion of that resolution. There being no discussion, he then asked if the committee was ready for action upon this resolution, and said that the United States of America assented.

The other delegations being polled, each assented, and the chairman declared Resolution II unanimously adopted.

The chairman then said that the time had come to consider a resolution which had not been submitted to any subcommittee and which had remained in this committee. It had been originally Resolution II, but had become Resolution III, and, as it had not been committed to any subcommittee, he would take the liberty of presenting it for the committee's consideration. In the form in which it had been amended at the last meeting, it read as follows:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations they declare their assent to such prohibition and invite all other nations to adhere thereto."

Mr. Sarraut then read the following statement:

"The Germans have made war on commerce almost exclusively with their submarines which were instructed to sink without mercy the merchant vessels of the enemy with the object of destroying that enemy's commerce.

"The abominable program was made worse by sinking without distinction steamers and hospital ships as well as vessels carrying cargo—neutral as well as those of the enemy.

"These ships were destroyed without the passengers and crew having been first put in a place of safety.

"France has already proclaimed and she has reiterated her denunciation of the barbarous methods thus used contrary to the law of humanity, and she has condemned the pitiless destruction of merchant ships as contrary to international law.

"With these views, the French delegation fully endorses the spirit of Senator Root's resolution and of the amendment proposed by Mr. Balfour.

"But the delegation considers it desirable that the sentiment of condemnation of the methods employed in the last war should be expressed in the resolution, and for this purpose it suggests the addition of the words 'as was done during the last war' at the end of the phrase.

"The first phrase of the resolution would then read as follows:

"The signatory powers recognize the practical impossibility of utilizing submarines as commerce destroyers without violating the rules universally adopted by civilized nations for the protection of

the life of neutrals and noncombatants as was done during the last war.”

The Chairman said that Mr. Sarraut had called attention to the amendment which had been proposed by Mr. Balfour. The resolution, as it had been read a moment before, had not included that amendment and therefore it should be restated; he would, therefore, read Resolution III with the amendment proposed by Mr. Balfour:

“The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations, they now accept that prohibition as henceforth binding as between themselves, and they invite all other nations to adhere thereto.”

That was the resolution before the committee with the amendment suggested by Mr. Balfour. Mr. Sarraut had suggested that it should also embrace a reference to the methods adopted by the Imperial German Government in the last war which had received general condemnation. As he understood it, the resolution with the amendment of Mr. Balfour and the further amendment proposed by Mr. Sarraut would read as follows:

“The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants in the manner that was employed in the last war, and to the end that the prohibition of such use shall be universally accepted as a part of the law of nations, they now accept it as henceforth binding as between themselves, and they invite all other nations to adhere to the present agreement.”

The question before the committee was the adoption of this resolution. Before the discussion proceeded, he wished to ask Mr. Sarraut whether the words which Mr. Sarraut desired inserted, to wit, “in the manner that was employed in the last war,” were to be inserted at the place which had been indicated.

Mr. Root said that Admiral de Bon and he had worked out a phrase on the exact line of Mr. Sarraut’s and he wondered whether it would not meet the purpose. After the word “violated” in the third line the words “as they were violated in the recent war of 1914–1918,” should be inserted, so that the resolution would read:

“The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations,” etc.

The chairman asked whether this wording was agreeable to Mr. Sarraut.

Mr. Sarraut assented.

The chairman said he would read the complete resolution, so that there would be no question upon what action was being taken.

“The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives

of neutrals and noncombatants, and to the end that the prohibition of such use shall be universally accepted as part of the law of nations they now accept it as henceforth binding as between themselves, and they invite all other nations to adhere to the present agreement."

Mr. Balfour said he wished to ask a question in regard to the amendments, now slightly modified, which Mr. Sarraut had proposed and which read as follows:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations," etc.

If that was intended merely as an illustration, it might be wise or unwise; it might be necessary or unnecessary; at any rate used in this manner it could do no harm. It added form and perhaps picturesqueness to the whole resolution. He wished to ask, however, whether it was not possible so to twist the phrase that the article would apply only to German methods. The ingenuity of man for wrongdoing was very great. Was it not unfortunate that the wrongdoers should be hampered only by the methods adopted by the Germans? Would it not be possible for them to say, "It is true we have used our submarines as commerce destroyers, but we have not used them as the Germans did, and consequently we are not violating this resolution." Perhaps the question he asked was oversubtle, but it appeared to be worthy of consideration.

Mr. Root asked whether that question would not be obviated by simply repeating the words "The use of submarines as commerce destroyers" in the place of "of such use?"

Mr. Balfour replied in the affirmative.

The chairman asked whether that amendment was acceptable.

Admiral de Bon said that his reasons, as already stated by Mr. Sarraut, were based upon the fear that the Germans might use the first draft suggested as a pretext to justify some of their actions during the recent war. They might claim that, if the Washington conference took the ground that it was not possible to use submarines otherwise than in contravention of actual international law, they were in a measure absolved. This was the only idea that he had sought to convey. In his opinion there ought to be a full and complete condemnation of these methods. It was for this reason that the French delegation had desired specifically to object to German practices and thus to remove all possibility of their being able to use the resolution in question to justify their conduct.

The chairman asked whether the amendment as suggested was acceptable. The amendment was that the clause: "to the end that the prohibition of such use shall be universally accepted as a part of the law of nations" should read "to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations."

The chairman said that the reason he asked whether this was acceptable was that it was an amendment to meet the amendment suggested by Mr. Sarraut, and therefore really formed part of the amendment in the line suggested, and he thought it would be well to

know whether there was any objection to the amplification of Mr. Sarraut's amendment in that manner.

Mr. Sarraut replied that he had no objection.

The chairman said that in view of what had just been said by Admiral de Bon, it might be well to call attention to the fact that this resolution was not, and did not purport to be, a statement of existing law: it purported to go beyond existing law and to prohibit the use of submarines as commerce destroyers.

Lord Lee asked what was the precise meaning of the term "commerce destroyer?" In a recent speech Mr. Root had said that the submarine was unfitted for attacks on commerce. He did not know if "commerce destroyer" was a recognized legal term, or whether it included the processes of attack and seizure referred to in the first resolution.

Mr. Root said he believed it covered the whole process. He thought that "commerce destroyer" was a perfectly well-known term.

Lord Lee said that doubts were being expressed in his delegation as to the precise meaning of the phrase "commerce destroyer." He asked whether the term "for seizure or attacks on commerce" would not produce the same effect.

Mr. Root said he thought that if the committee undertook to go into the details of the processes, it would find itself involved in statements which were neither clear nor intelligible to the common mind; and that it really did not accomplish its purpose as well as would be done by the use of perfectly well-known terms, such as "commerce destroyers." He did not think there was any more question about the meaning of that term than was inherent in the use of words in all statutes, constitutions, treaties, contracts, and wills, about which, it was true, the courts in all civilized nations had been for centuries seeking to know what the scope and effect of the terms might be. It was impossible to use any language in such a way that questions could not arise, and the use of a term according to its ordinary use was, he thought, altogether more satisfactory than to try to go into details.

Lord Lee said that it had been suggested by technical experts that in view of the paragraph in the first resolution in regard to putting passengers and crew in safety, the term "commerce destroyer" would apply only to that. If there were any doubts, it was desirable that they should be cleared up.

Senator Lodge said it seemed to him that if the committee began to enumerate the different processes which would be used by any vessel engaged in the destruction of commerce, it would simply be circumlocution, and if the conference once entered on that course, it might come within the scope of a well-known legal rule, namely, that if a thing was not specified, it was excluded. He thought that when one came to making catalogues one ran a great risk, and that it was better, if possible, to use one general word which, in this case, was merely a descriptive word: it simply described them as "common destroyers." Probably that word was only familiar in the United States, but it was very familiar here, and was used to represent just what submarines had been used for.

Sir Auckland Geddes said that he thought the term "commerce destroyer" was a well-known legal term, but it was also a phrase used in a popular and loose sense. He would suggest that another term, "operations against commerce," would be equally suitable and was less liable to be used loosely. He wondered if that would suit Mr. Root.

The chairman said the suggestion was made that the amendment be as follows; leaving the general term as it now was in the first clause, the second clause, which defined the prohibition, should be made to read as follows:

"and to the end that the prohibition of the use of submarines in operations against merchant vessels shall be universally accepted as a part of the law of nations," etc.

That seemed, he said, to be acceptable as an amendment and in order to avoid any misapprehension, he would read the resolution in its present form, namely:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines in operations against merchant vessels shall be universally accepted as a part of the law of nations, they now accept that prohibition as henceforth binding as between themselves, and they invite all other nations to adhere to the present agreement."

Mr. Hanihara said he desired to be informed with respect to the exact meaning of the term "commerce destroyer". As he had already pointed out in a previous discussion, he believed that the words were intended to apply to vessels suitable for the destruction of merchant shipping. He said that he thought it was also clear that merchant vessels engaged in giving military assistance to the enemy ceased, in fact, to be merchant vessels. There was, however, another point. It seemed apparent that, if the resolution were adopted, it excluded the use of submarines for purposes of blockade. It did not appear to him possible to use submarines for this purpose in conformity with rule 1. Mr. Hanihara then asked whether this interpretation was correct.

Mr. Root said he thought that the prohibition would apply to submarines attacking or sinking or capturing or destroying merchant vessels under any circumstances, so long as the vessel remained a merchant vessel; he also thought it was necessary to have an effective prohibition, to have it so apply. It was merely a question of the use of words. Germany, for instance, declared a blockade of the whole British Channel. One could say "blockade," and the rule would disappear.

Senator Schanzer said that he must decline, in the name of the Italian delegation, the above interpretation. The Italian delegation did not accept Mr. Root's third resolution with the amendments of Mr. Balfour and Mr. Sarrazin. He asked that further amendments should not be insisted on. It was necessary for the Italian delegation to declare that it accepted only the original resolution, and must also confirm, with

respect to the question of blockade, that in its view, that question had nothing to do with the destruction of commerce. It was a military process. What if a merchant ship attempted to run a blockade? Was the use of submarines forbidden to prevent this act? In summing up, Senator Schanzer said he accepted Mr. Root's resolution, but he could not accept it without certain reservations in line with those indicated by his Japanese colleague, i. e., that the situation set up by blockade brought into play an entirely different set of principles of international law with respect to merchant vessels.

The chairman said the first question, then, was on the amendment proposed, i. e., that, instead of the words "commerce destroyers" in defining the prohibition, the words should be "the use of submarines in operations against merchant vessels." He understood that Senator Schanzer, on behalf of the Italian delegates, refused assent to that amendment.

Senator Schanzer said that a mistake had been made. Sir Auckland Geddes had just informed him that the term "commerce destroyers" was retained.

The chairman said that the term "commerce destroyers" remained in the second line, but it did not remain in the definition of the prohibition. The definition of the prohibition was as follows, according to the proposed amendment:

"And to the end that the prohibition of the use of submarines in operation against merchant vessels shall be universally accepted as a part of the law of nations, they now accept that prohibition as henceforth binding as between themselves, and they invite all other nations to adhere to the present agreement."

The chairman asked whether that was acceptable to Senator Schanzer.

Senator Schanzer said that he was not satisfied because of the second line of the amendment.

The chairman said that of course the committee was acting only on the principle of unanimity, and therefore this amendment must be considered as defeated.

That brought the committee to the resolution in its original form, with Mr. Balfour's amendment and with the amendment proposed by Mr. Sarraut.

As he understood it, the substitution of the words "submarines for operation against merchant vessels," which referred to "commerce destroyers," was not acceptable to Senator Schanzer.

He had further understood Senator Schanzer to present a reservation to the effect that the resolution should not apply in the case of a merchant vessel endeavoring to run a blockade. That was the purport of it, as he had understood it.

This matter should be carefully considered and thoroughly understood, because a blockade might be declared of such a general character as to make it impossible for merchant vessels to reach a particular coast; assuming that such a blockade could be effectively maintained by vessels that were regarded as legally used for the purpose of maintaining it, the use of submarines as against merchant vessels endeavoring to run a blockade of that sort would involve a very large activity for submarines as commerce destroyers. That matter

should be faced because the value of the resolution might well be doubted, if that reservation was effective.

Senator Schanzer said he did not ignore the fact that during the last war nominal blockades of an absurd character had been declared. He believed that the whole of the United States and all of Italy had been declared blockaded. But under the rules of existing international law, a blockade to be legal must be effective. He did not ask that any exceptions be made to the present rules of international law and he hoped that this would appear in the minutes.

The chairman said that of course the point of effectiveness was very well taken, and he intended to have that clearly stated; but the question remained whether the submarine under the resolution was to have an opportunity to operate as against commerce in case an effective blockade had been declared—a blockade, indeed, made effective by the use of submarines.

Mr. Balfour said he confessed he had listened with considerable misgiving to Senator Schanzer's statement. Senator Schanzer did not wish to break the unanimity with which the second resolution had been accepted, but he had given it a meaning which to his (Mr. Balfour's) mind entirely destroyed its value, and Senator Schanzer had requested that his interpretation of that meaning should receive formal record in the minutes. Mr. Balfour could not imagine that in every respect Senator Schanzer saw the full extent of the proposition which he had laid down. The chairman had pointed out—he would not say an absurdity—but one very obvious difficulty. Senator Schanzer's opinion was that a submarine could never be used to attack a merchant ship in the case of a blockade, but that it could begin to attack merchant ships as soon as a blockade was effective. It could, therefore, not assist in making a blockade effective; but when other ships had made it effective, it might come in and destroy what the other ships had left undestroyed. That surely was a most impossible position for international law to be placed in. It could not be said that a submarine could be lawfully employed in blockade only when the blockade had already been established by ships other than submarines. That was a theoretical objection to the proposed resolution which he himself would have thought would have been enough by itself to destroy it. He would ask Senator Schanzer to consider how the term "blockade" was now more or less used in international law. He agreed that it was not a probable supposition, but supposing Italy were at war with Germany, either with or without allies, and supposing the Germans declared a blockade upon Italy; they would use their submarines not always close to the coast; he imagined they would choose the Straits of Gibraltar and they would haunt the eastern part of the Mediterranean as well as the Gulf of Lyons and the Adriatic. For himself he could not quite understand Senator Schanzer's point of view. There was no international difficulty that he knew of in declaring all the coast of Italy blockaded. At all events, so long as there was an international law it would have to be tried in international courts. That was not an obvious absurdity on the face of it and, if that were admitted, it seemed to him, that, if Italy could be blockaded, if all the ships carrying merchandise could lawfully be stopped by submarines if they attempted to go to Italy, then he thought that they

need trouble themselves no further with attempting to limit the use of submarines. Even after all these regulations were passed, or at all events after the first two were passed, submarines would remain absolutely free, so far as he could see, to work their will in the true German fashion upon every merchant ship which desired to carry to Italy the very necessities of national existence. In these circumstances it seemed to him that their labors on the first two of these resolutions had been practically thrown away, if the matter were left as Senator Schanzer proposed to leave it. He hoped, and indeed he was confident, that the discussion of this question would extricate them from the present position and he hoped that the Italian delegation would on reflection see that, if they sincerely desired—as he was perfectly sure they did—to prevent submarines being used against merchant ships, they would modify in the most important degree and qualify to an extreme extent the reservation which they had announced their intention to record upon the minutes.

Senator Schanzer said that the Italian delegation was inspired with a spirit of conciliation. He must, however, reply to Mr. Balfour. He did not think that all Italy could be effectively blockaded, as that term was understood in international law. He wished also to have it understood that he had never said that a blockade must first be established by surface vessels and then maintained by submarines. Submarines were military weapons and should be allowed the privileges of military weapons. They might even act in the same way as surface vessels. The entire question of blockade had been brought up by the Japanese delegate. His own delegation merely wished to be fully informed and to act in a conciliatory spirit. If the Japanese delegate withdrew his objections and all the other delegates agreed, the Italian delegation would not prevent the common resolve from being carried into effect.

Mr. Hanihara said that he had made his previous inquiry in order to be informed with respect to "commerce destroyers" and the use of submarines for the purposes of blockade. He had not, however, intended to enter any objection to the prohibition of the use of submarines for blockade.

The chairman said that he understood that, in the light of the statement by Mr. Hanihara, Senator Schanzer would withdraw his suggestion as to the limitation of the prohibition, and he assumed that the resolution would then be acceptable to all the powers represented on the committee.

The chairman asked whether the committee would now act upon the resolution in the following form:

"The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto."

The delegations, being polled, each assented in turn and the chairman declared Resolution III unanimously adopted.



Lord Lee said he would like to express to Mr. Sarraut and Admiral de Bon his sincere appreciation of the statements they made the other day in repudiating the writings of Capt. Castex. He accepted their explanation, as given on behalf of the Government, with all his heart and wished to assure them personally that the matter had passed completely from his mind.

Mr. Sarraut replied that he had noted with sincere satisfaction the statement that Lord Lee had just made and he could only express regret that Lord Lee had not given the French delegation an earlier opportunity to express their sentiments by informing them in advance of the references that he intended to make to the entirely personal views of a naval officer who could, under any circumstances, only speak for himself and on his own responsibility without assuming in the slightest degree to express the views of the French Admiralty.

It gratified Mr. Sarraut to hear the statements of Lord Lee at the moment when the French delegation had just given their assent to a resolution containing a clause which bound together all the powers represented on the committee by prohibiting the use against each other of certain weapons which France, at least, had never thought of directing against her friends, a clause to which the French delegation subscribed with especial willingness.

Mr. Sarraut hoped that this interchange of statements would do away with certain misunderstandings and assist in clearing the atmosphere which, outside of this hall, had been befogged, and thus facilitate the establishment of a durable peace on earth—the work which all present had most deeply at heart and the consummation of which was their highest aspiration.

The chairman said that he was sure that all would be deeply gratified to have spread upon the minutes the statement made by Lord Lee and the response which had been made by Mr. Sarraut; these statements, which showed a mutual appreciation of the sentiments that were cherished by both, would greatly aid the committee as it continued its efforts to bring about results which would greatly promote not only the economic administration of the respective governments, but a better understanding and an enduring peace among their peoples.

He assumed that the committee might not care to have all the discussions that had taken place over various legal and other questions appear in the communiqué. There was, of course, no objection to it, if it was desired. Possibly it would be sufficient to say that these resolutions, now numbering three, were presented, discussed, and adopted. General assent was expressed.

The committee then adjourned until Friday, January 6, 1922, at 11 a. m.

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**SIXTEENTH MEETING—FRIDAY, JANUARY 6, 1922, 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, (for Canada), Sir Robert Borden, (for Australia), Senator Pearce, (for New Zealand), Sir John Salmond, (for India), Mr. Sastri. Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Knowles, Mr. Flint.

*France.*—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Tachi, Mr. Sugimura, Mr. Ichihashi, Mr. Shiratori.

The Secretary General. Assisted by Mr. Pierrepont and Mr. Paul. Mr. Camerlynck (interpreter).

1. The sixteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Friday morning, January 6, 1922, at 11 a. m.

2. There were present: For the United States of America, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes; Sir Robert Borden (for Canada). Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisors were present: For the United States of America, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Knowles, Mr. Flint; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Mr. Tachi, Mr. Sugimura, Mr. Ichihashi, Mr. Shiratori.

The secretary-general of the conference, assisted by Mr. Pierrepont and Mr. Paul, was present. Mr. Camerlynck (interpreter) was also present.

The chairman, Mr. Hughes, said that the committee would proceed with the discussion of the use of submarines in warfare, and placed before the committee the final resolution presenting this question, mentioning that it was originally the third resolution presented by Mr. Root, but was now designated as No. 4. He then read the resolution, as follows:

"The signatory powers, desiring to insure the enforcement of the humane rules declared by them with respect to the prohibition of the use of submarines in warfare, further declare that any person in the service of any of the powers adopting these rules who shall violate any of the rules thus adopted, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war, and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any such powers within the jurisdiction of which he may be found."

Senator Schanzer said that the Italian delegation, while associating itself completely with the condemnation of submarine warfare methods as expressed in the resolutions which had already been approved, and also agreeing in principle with the resolution now being discussed, felt called on to point out that while the rules reconfirmed in the first resolution, approved yesterday, concerned both submarines and surface craft, thus strengthening principles which corresponded to rules of existing international law, the new resolution proposed contained sanctions the exceptional gravity of which might appear justified, but which it was desired to apply only to submarines.

The Italian delegation could not accept the resolution under discussion, except on the condition that the principle therein expressed should not be limited solely to the crews of submarines, but extended to all the cases contemplated by the first resolution, and therefore also to the crews of surface vessels. The Italian delegation proposed that the resolution should be modified in this sense and that the identical sanctions should be applied to officers and crews of all ships, without distinction, who should infringe the rules contemplated in the first resolution.

He did not doubt that the spirit in which the Italian delegation had proposed this amendment would be appreciated by everybody, for it tended in no way to weaken the strength of the resolution, but, on the contrary, to augment it, and was inspired by an evident principle of justice and equity. In fact, it was not admissible that the commander of a submarine should be condemned as guilty of a determined act, while the commander of a surface vessel would not be submitted to trial in an identical case.

He was sure that all the delegations would recognize the equity of the Italian proposal, which constituted, as a matter of fact, the indispensable condition for the acceptance by the Italian delegation of the resolution proposed by Mr. Root.

Senator Pearce said that he did not propose at this juncture to discuss the amendment suggested by Senator Schanzer, but he rose to bring before the committee again, in order that it might be discussed at the same time, the amendment which he previously suggested as to whether if the clause under consideration were to be adopted as a whole it should not be made to apply, not only to the powers that adopted these rules but also to other powers not represented at the conference. It seemed to him that the object of bringing forward the declaration was to obtain for it universal acceptance and application. It might, however, be possible that one or two powers might not adhere to the rule. Was it to be considered that in the unhappy event of a power which adopted the rule going to war with a power which did not adhere to it, the power which adopted the rule should be bound by the rule, while the other power should be free to give orders for the sinking of merchant ships, and that the officers of the latter power should be free from the penalty set out, merely because the power had not adhered? If his amendment, that the words "adopting these rules" should be omitted, were accepted, the rule would become universal in its application.

Mr. Balfour suggested that Senator Pearce should move to omit the words "in the service of any power adopting these rules."

Senator Pearce accepted the suggestion of Mr. Balfour and intimated that he considered that the rule as proposed to be amended would be a notification to the world at large. He ventured to say that if the rule was amended as he suggested it would be rather an inducement to powers to adhere. But if there was any power not represented at the conference that wished to have an unrestricted use of submarines against merchant ships it would be encouraged not to give its adherence to the rule if it were left in its present form. In that case not only would such a power not be bound by the rule, but its officers would be free from punishment. He pointed out that at the Versailles Conference the powers took up the attitude that the submarine commanders who had violated these laws were liable, and they demanded that they should be tried by a court set up by the Allies. Although that was not obtained, some of the commanders had been tried by the German court sitting at Leipzig. Thus, although the declaration before the committee was not in existence before the war, the Allies said that these submarine commanders should be tried as pirates for the offenses that they had committed, and, as he had mentioned, some of them had been tried. If therefore the committee adopted a declaration in the form originally suggested, it would not even be in keeping with what the powers had done at Versailles. He suggested therefore that the declaration if adopted should be made universal in its application.

The chairman said that these amendments brought before the committee two distinct questions. Quite apart from the specific phraseology which might finally be adopted, there were two distinct questions presented which, perhaps, might be considered separately. Senator Schanzer's amendment related to two matters, first, the broadening of the provision so as to embrace all ships of any class or description; second, the broadening of the provision as to individuals so as to embrace persons belonging to the crew, specifically, as well as officers.

Senator Pearce's amendment provided for the application of the resolution to all powers, and not simply to the powers adopting these rules.

Unless the committee desired a different course, the chairman thought that, in order to bring the discussion to a point, these matters could be dealt with, and should be dealt with, separately. He suggested that they take up Senator Pearce's amendment, that the words "in the service of any power adopting these rules" should be omitted, so as to broaden the provision to apply to all powers, and asked if discussion of that amendment was desired.

Sir John Salmond suggested that before discussing the amendment it might clarify the situation if he were to ask a question, namely, as to whether Resolution IV referred to the humane rules decided on by the powers with reference to the action of submarines, or to the prohibition of submarines provided for in the third resolution. The first resolution, Sir John Salmond said, referred to existing law and laid down rules for the conduct of submarines, restricting but not prohibiting their use. The third resolution, which was passed yesterday, was a new rule prohibiting the action of submarines against commerce. He assumed that the fourth resolution referred to the first and not to the third resolution. The rules in the first resolution were provided to prevent a gross abuse of subma-

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...that necessitated no limitation at all to the powers that were here.

The next resolution, which forbade the use of submarines as commerce destroyers, that was to say, forbade submarines attacking merchant ships, and which if it were to become a part of the law of nations would supersede these other rules so far as submarines were concerned—but which would not supersede them until it had become a part of the law of nations—was an entirely different proposition. It certainly was not competent for them to make an agreement between the five powers here that would produce the effect of a law of nations, upon which they could denounce a punishment as for piracy.

Now, there were several ways to avoid that confusion, which he thought did not exist in the original resolution. One way would be to limit the resolution to the existing rules of law, and there was no reason why they should put in the descriptive words "of the powers now present."

There was another way which he thought would meet Senator Pearce's proposal, and he was inclined to think that it also disposed of Senator Schanzer's suggestion. It would satisfy the purpose that underlay Senator Schanzer's suggestion, and would include both, but would discriminate between the contractual stage of the provision against use of submarines as commerce destroyers and its eventual status after it had become established and had become a rule of international law. Until it had become a rule of international law they had to limit what they did to their contracts between themselves. They could not treat the rule as if it were a rule of law; after it had been accepted then it would come under the same basis as the first one.

He had jotted down a suggestion or two, rather to define his own ideas about it than to offer it; but he would like to see how it met the views of his colleagues around the table.

Mr. Root then read;

"The signatory powers desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships and the enforcement of the prohibition against the use of submarines as commerce destroyers after that prohibition shall have been accepted as a part of the law of nations, further declare that any person in the service of any power who shall violate any of the rules thus adopted"—

Mr. Root here mentioned that that would include everything that Senator Schanzer wanted, and then continued reading:

"Any person in the service of any power who shall violate any of the rules thus adopted——"

That was to say, Mr. Root explained, the existing rules and this special rule of prohibition against submarines after it should have been adopted——

"whether or not such person is under orders of a governmental superior, shall be deemed to have violated the rules of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found."

Sir Robert Borden asked that Mr. Root, before resuming his seat, inform him whether the proposal which he had made took into account the fact that Rule III took effect at once as between the five powers represented at the conference.

Mr. Root answered that it was only a contractual obligation; it was not a rule of law upon which they could denounce punishment. This last resolution which they were then talking about denounces a punishment and that can not apply except for a violation of the rules of law.

The proposed amendment, he said, aimed to deal with the suggestion made by Senator Pearce and was also aimed to deal in part with the suggestion made by Senator Schanzer. In order, how-

ever, to avoid mingling two distinct things in the discussion, he wished to call attention to the fact that it did not deal with the suggestion of Senator Schanzer as to the application of the resolution to all ships. He suggested that merely to preserve that suggestion for a later discussion while the committee proceeded to deal with the form of the resolution in its present application to submarines. The amendment desired could be presented later. He meant merely that this was an amendment dealing with the other phases of the suggestions made. The resolution in its amended form, that is, in the form proposed, read as follows:

"The signatory powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, and the enforcement of the prohibition against the use of submarines as commerce destroyers, after that prohibition shall have been accepted as a part of the law of nations, further declare that any person in the service of any power who shall violate any of the rules thus adopted, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found."

The chairman asked whether this resolution was in a form now acceptable upon the question of the application to all the powers in the light of the different aspects presented by the existing rules of law and the proposed amendments to the existing rules of law.

Senator Schanzer said he wished to thank Mr. Root for his explanation. With the proposed amendment, he felt he could accept the resolution in principle, though he would like to examine the written text before speaking more definitely. He wished to say that Senator Pearce's amendment served to support his suggestion that vessels of all classes be included in the scope of the resolution. If he had understood it correctly, the new formula would satisfy the wishes of the Italian Government.

Sir John Salmond said he did not wish to raise any objection to Senator Schanzer or Senator Pearce's amendments. The amended resolution just proposed by Mr. Root, however, went further and extended its scope to include the prohibitions agreed to in Resolution III on the previous day as soon as those prohibitions became international law. There was, however, no particular moment at which it could be stated that a declaration of this kind had become international law. International law was created progressively by the adherence of one power after another. It was impossible to say that on any particular day the rule had become part of international law so that a submarine commander would know whether he was liable to be treated as a pirate. He therefore suggested the limitation of Resolution IV to the rules laid down in Resolution I. It was fit and proper that a breach of these rules should be branded as a crime; but to say that breaches of new rules only just established between the five powers should be branded as piracy would, he thought, not meet with public approval. He would therefore suggest that Resolution IV should be confined to a statement that the

signatory powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to the use of submarines in warfare, further declare that any person violating those rules shall be liable to trial and punishment as if for an act of piracy. Further, he would propose to insert this rule immediately after the present Resolution II.

The Chairman said that Sir John Salmond's amendment was, first, that the resolution in the form which he suggested (and now numbered IV) should be a part of resolution II. Coming at the end of resolution II as now adopted, it was proposed that the resolution read as follows:

"The signatory powers desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found."

He then asked if the amendment was accepted.

Mr. Root said that he hoped Sir John Salmond would, before pressing his amendment, abandon the idea of making it a paragraph of the present Article 2 and make it a separate paragraph.

Sir John Salmond said that this was what he had intended.

Mr. Root said there was a distinct idea in the subcommittee's article which was referred to by Mr. Balfour the other evening, and the two should not be confused.

The chairman asked whether, with this, it was acceptable.

Mr. Root said that he was quite satisfied with it.

The chairman said that the proposal of Sir John Salmond, with the modification suggested by Mr. Root, was that this article should appear as the third article in the series of resolutions adopted; and that, he assumed, would carry the point that the article which had been adopted as number III would not become Article IV.

The chairman then asked if the committee was ready to proceed to action upon that resolution.

Senator Schanzer said that he accepted in the name of the Italian delegation the new formula as worked out by Mr. Root and Sir John Salmond, which gives entire satisfaction, as its wording has the effect to extend the sanctions of trial and punishment to all persons violating the rules of law laid down in the first resolution, without distinction.

The chairman asked whether any further discussion was desired. No reply being made, he said that the matter would be put to vote: whereupon the delegations of the United States of America, the British Empire, France, and Italy assented.

Mr. Hanihara said that before speaking for the Japanese delegation he would like to be enlightened as to the exact meaning of the words "punished as if for an act of piracy."

The chairman said he assumed the phrase to mean that violation of the laws of war thus declared should be treated as amounting to an



act of piracy and that the person violating the laws would be subject to punishment accordingly.

Mr. Root interposed that such a person would not be subject to the limitations of territorial jurisdiction. The peculiarity about piracy was that, though the act was done on the high seas and not under the jurisdiction of any particular country, nevertheless it could be punished in any country. That was the really important point.

The chairman asked whether the Japanese delegation assented.

Baron Kato replied in the affirmative.

The chairman then stated that the resolution was unanimously adopted. He assumed that that closed the discussion upon the subject of submarines.

He now desired to bring to the attention of the committee the question of the use of gases, or what has been called chemical warfare. The committee would recall that a subcommittee, composed of members representing the five powers, had been appointed to consider this question. He was advised that this committee agreed—their memorandum stated “more or less unanimously”—on certain points. He would read their memorandum, stating the points thus agreed upon:

“The committee agreed more or less unanimously on the following points:

“(a) Chemical warfare gases have such power against unprepared armies that no nation dare risk entering into an agreement which an unscrupulous enemy might break if he found his opponents unprepared to use gases both offensively and defensively.

“(b) Since many high explosives produce warfare gases or gases which are the same in their effects on men, any attempt to forbid the use of warfare gases would cause misunderstandings at once in war—that is, one or both sides would in the first battle find men dead or injured from gas. The doubt would at once arise whether gas is actually being used as such, or whether the casualties were due to high explosive gases. This could be made the excuse to launch a heavy attack with warfare gases in every form.

“(c) Research which may discover additional warfare gases can not be prohibited, restricted, or supervised.

“(d) Due to the increasing large peace time use of several warfare gases, it is impossible to restrict the manufacture of any particular gas or gases. Some of the delegates thought that proper laws might limit the quantities of certain gases to be manufactured. The majority opinion was against the practicability of even such prohibition.

“(e) It is possible to confine the action of chemical warfare gases the same as high explosives and other means of carrying on war. The language used in this connection was that ‘it is possible, but with greater difficulty.’ On this question, as in the case of (f) and (g) following, it was evident that among the representatives of the three nations thoroughly acquainted with chemical warfare gases, namely, the United States, Great Britain, and France, there was less doubt as to the ability to confine these gases than among the Japanese and Italians, who know less about them.

“(f) The kinds of gases and their effects on human beings can not be taken as a basis for limitation. In other words, the committee felt that the only limitation practicable is to wholly prohibit the

use of gases against cities and other large bodies of noncombatants in the same manner as high explosives may be limited, but that there could be no limitation on their use against the armed forces of the enemy, ashore or afloat.

"(g) The committee was divided on the question as to whether or not warfare gases from a method of warfare similar to other methods such as shrapnel, machine guns, rifle, bayonet, high explosives, airplane bombs, hand grenades, and similar older methods. In this, as in (e) and (f), the United States, Great Britain, and French members (five in number) who know gas, were emphatic that chemical warfare gases form a method of waging war similar to the older forms."

The chairman then said that he desired to read, on behalf of the American delegation, the report adopted by the advisory committee of the American delegation, to the constitution of which he had already referred. This report had been adopted by the advisory committee upon the recommendation of its subcommittee which had dealt with new agencies of warfare. The report was as follows:

"The committee (of the advisory committee) on new agencies of warfare having had a number of meetings, one conjointly with the committee (of the advisory committee) on land armaments, has the honor to report that it has given careful consideration to the subject referred to it. Chemical warfare, which is the scientific term to cover use of gases in all of their forms, reached very important and significant phases during the World War. The surprise of the first gas attack on the British forces at Ypres shocked the civilized world, but its military effectiveness caused the allied Governments at once to take measures not only of protection against gas attacks, but also offensive action. In consequence, at its close of the war, the use of poison gases, not only temporarily injurious but of toxic character, became universal.

"The committee has found on consultation with experts and reference to scientific study of the subject that there are arguments in favor of the use of gas which ought to be considered.

"The proportion of deaths from their use when not of a toxic character is much less than from the use of other weapons of warfare. On the other hand, the committee feels that there can be no actual restraint of the use by combatants of this new agency of warfare, if it is permitted in any guise. The frightful consequences of the use of toxic gases if dropped from airplanes on cities stagger the imagination. No military necessity can excuse or extenuate such events as were of frequent occurrence during the recent war when bombs were dropped on undefended and thickly populated cities, towns, and villages for no other purpose apparently than to demoralize the population. If lethal gases were used in such bombs it might well be that such permanent and serious damage would be done, not only of a material character, but in the depopulation of large sections of the country as to threaten, if not destroy, all that has been gained during the painful centuries of the past.

"The committee is of opinion that the conscience of the American people has been profoundly shocked by the savage use of scientific discoveries for destruction rather than for construction.

"The meeting of the Conference on the Limitation of Armament in the City of Washington affords a peculiarly advantageous opportunity for comparison of views on all questions bearing on the subject. Whatever may be the arguments of technical experts, the committee feels that the American representatives would not be doing their duty in expressing the conscience of the American people were they to fail in insisting upon the total abolition of chemical warfare, whether in the Army or the Navy, whether against combatant or noncombatant. Should the United States assume this position, it would be no evidence of weakness but of magnanimity. Probably no nation is better equipped by reason of scientific knowledge among its technicians and by means of its material resources to use chemical warfare effectively. This committee, therefore, submits the following resolution for adoption by the advisory board and to be communicated to the American delegates to the Conference on the Limitation of Armament:

*"Resolved,* That chemical warfare, including the use of gases, whether toxic or nontoxic, should be prohibited by international agreement, and should be classed with such unfair methods of warfare as poisoning wells, introducing germs of disease, and other methods that are abhorrent in modern warfare."

The chairman observed that the foregoing resolution, as he had said, was submitted to the advisory committee of the American delegation by its subcommittee and, he was advised, was unanimously adopted by the advisory committee.

The committee would observe that in this report reference was made to the fact that the subcommittee reporting had held a meeting jointly with a committee of the advisory committee which dealt with the subject of land armament. He had been furnished by the advisory committee with a copy of the report of its subcommittee on land armament, this report having been unanimously adopted by the advisory committee. It contained the following recommendation with regard to chemical warfare:

"Chemical warfare should be abolished among nations, as abhorrent to civilization. It is a cruel, unfair, and improper use of science. It is fraught with the gravest danger to noncombatants and demoralizes the better instincts of humanity."

The chairman pointed out that this report was signed by Gen. John J. Pershing, as chairman of the subcommittee on land armament of the advisory committee, and it had been adopted by the advisory committee.

Continuing, the chairman said that in view of the reference to a difference of opinion among experts, and especially in view of the statement contained in the findings of the subcommittee of this committee of the conference, he desired to read, for the information of this committee, a report by the General Board of the United States Navy upon this question of the prohibition of gas warfare. This report had been submitted to the American delegates.

"Question. Should gas warfare be prohibited?"

"Answer. Yes."

"Comment: The United States would undoubtedly give up a material advantage if gas warfare were abolished. The resources and scientific development of this country place it in the front rank of nations in the ability to wage efficient gas warfare and insure an

adequate supply of special gases. Nevertheless, its abolition would be popular in this country, even though its effectiveness as a weapon in war has been clearly proved when employed under special conditions.

"2. The tendency of rules of modern warfare is toward restraint in the employment of weapons that produce unnecessary suffering. The limitations in the employment of the different weapons have that end in view. The dum-dum bullet and the explosive bullet are well-known examples. Following this general principle, gases which produce unnecessary suffering should be prohibited.

"3. Gas warfare has a peculiar quality different from any method heretofore employed, in that though directed toward a particular target its destructive effect is not limited to that target, but passes beyond control of the belligerent agent and may involve a sacrifice of innocent lives over a wide area. On account of this peculiarity the use of gas which causes death is objectionable because not only the combatant is killed, a perfectly legitimate target, but many non-combatants may also be victims, and these innocent persons may deliberately be made the objects of gas attack by unscrupulous belligerents. Lethal gases should therefore be prohibited.

"4. The two principles in warfare, (1) that unnecessary suffering in the destruction of combatants should be avoided, (2) that innocent noncombatants should not be destroyed, have been accepted by the civilized world for more than 100 years. The use of gases in warfare in so far as they violate these two principles is almost universally condemned to-day, despite its practice for a certain period during the World War.

"5. Certain gases, for example, tear gas, could be used without violating the two principles above cited. Other gases will, no doubt, be invented which could be so employed; but there will be great difficulty in a clear and definite demarcation between the lethal gases and those which produce unnecessary suffering as distinguished from those gases which simply disable temporarily. Among the gases existing to-day there is undoubtedly a difference of opinion as to which class certain gases belong. Moreover, the diffusion of all these gases is practically beyond control and many innocent noncombatants would share in the suffering of the war, even if the result did not produce death or a permanent disability.

"6. The General Board foresees great difficulty in clearly limiting gases so as to avoid unnecessary suffering in gas warfare and in enforcing rules which will avert suffering or the possible destruction of innocent lives of noncombatants, including women and children. Gas warfare threatens to become so efficient as to endanger the very existence of civilization.

"7. The General Board believes it to be sound policy to prohibit gas warfare in every form and against every objective, and so recommends.

"(Signed) W. L. ROGERS."

The chairman thought it was hardly necessary to add anything to these comprehensive statements with respect to the use of gases in warfare. He said that despite the conclusions reached by the subcommittee of this committee and set forth in the report which he had read, the American delegation, in the light of the advice of its advisory

committee and the concurrence in that advice of General Pershing, the head of the American land forces, and of the specific recommendation of the General Board of the Navy, felt that it should present the recommendation that the use of asphyxiating or poison gas be absolutely prohibited. He would ask Mr. Root to present the resolution.

Mr. Sarraut said that the hour was late; in order not to weary the interpreter unduly he suggested that the committee adjourn and that copies of the documents read by the chairman be circulated among the various delegations for their consideration before the next meeting.

The chairman said that he felt sure it would be quite agreeable to all present to postpone the translation; but he suggested that Mr. Root should present the resolution before the adjournment of the committee.

Mr. Root said that the chairman had asked him to prepare this resolution, pursuant to the recommendation of those military and naval authorities and advisory committees to which the American delegation was bound to pay the highest respect. There was an expression on this subject which presented the most extraordinary consensus of opinion that one could well find upon any international subject. He had drafted the resolution which he would present in a moment in the language of the treaty of Versailles which was subscribed to by four of the five powers here and was appropriated and taken over by the United States and Germany in the treaty concluded between them on the 25th of August last and was repeated in the treaty of St. Germain between the same powers and Austria, and again in the treaty of Neuilly of the same powers with Bulgaria, and again in the treaty of the Trianon with Hungary, and taken over and homologated by the United States in its treaty with Austria and its treaty with Hungary and repeated again in the treaty of Sevres. He read from article 171 of the treaty of Versailles, which says:

"The use of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices being prohibited, their manufacture and importation are strictly forbidden in Germany. The same applies to materials specially intended for the manufacture, storage, and use of the said products or devices."

That declaration of prohibition against the use of poisonous gases be understood to be a statement of the previous rules which had been adopted during the course of The Hague conferences; and, without undertaking to question or to inquire into it, it stood as a declaration of all the countries here represented that that is prohibited. And accordingly, following the language of the treaty, the language which all had adopted, he would present the resolution:

"The use in war of asphyxiating, poisonous, or analogous liquids or other gases and all materials or devices having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties—

"Now, to the end that this prohibition shall be universally accepted as a part of international law, binding alike the conscience and practice of nations, the signatory powers declare their assent to such prohibition, agree to be bound thereby between themselves, and invite all other civilized nations to adhere thereto."

In these various treaties there were, Mr. Root thought, between 30 and 40 powers which had assented to the statements of the prohibition of these practices, so that there was not much further to go in securing that general consent which changes a rule from contract to law.

Senator Schanzer said that it was with a deep feeling of satisfaction that the Italian delegation welcomed the statements made by the chairman. The Italian representatives in the subcommittee had had the honor of being the first to propose the abolition of poisonous gases as weapons of warfare. Therefore he could only heartily indorse the American proposal which, if accepted—and this would no doubt be the case—would constitute one of the greatest claims to honor of the conference and a real step in the path of progress and civilization.

Mr. Balfour said that he associated himself with the view to which he understood the chairman had agreed, that all documents of this nature should be circulated as soon as possible. There was one about which there appeared to be some misunderstanding. It was a report of the committee with respect to poison gas. A report on this subject had been circulated to the British delegation, but not to anybody else and, though it might be similar in substance to the report which the chairman had read, it differed in length and in phraseology. He suggested, therefore, that they had both better be circulated. He took this opportunity of expressing his view that it would be better if documents containing reports of subcommittees should be circulated a little sooner than they were. As an instance, he wished to mention the report of the subcommittee on aircraft. He suggested that that report should be circulated at once.

The chairman said that the matter was not presented now for discussion because these documents must be circulated and an opportunity afforded to study them. He wished to say that the report presented by Mr. Balfour had not been brought to the attention of the chairman. He knew nothing about it, and a hasty glance at it did not indicate that it differed in substance, although it did differ strikingly in language, from the memorandum of conclusions reached by the subcommittee which he had read. He assumed that it did emanate from the subcommittee, and as the delegates should possess all information presented to the committee, he assumed there was no objection to its being circulated.

The chairman said he feared it would not be possible to get all these reports circulated in time to be examined and discussed that afternoon, and if it was thought best the committee might adjourn until the next morning.

Accordingly, the meeting was adjourned until Saturday, January 7, 1922, at 11 o'clock a. m.

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#### SEVENTEENTH MEETING—SATURDAY, JANUARY 7, 1922, 11 A. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada).

Senator Pearce (for Australia). Accompanied by Sir Maurice Hankey, Capt. Domville, Mr. Mousley, Col. Day, Mr. Flint.

*France.*—Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Col. Asinari di Bernezzo.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Vice Admiral Kato, Capt. Uyeda. Accompanied by Mr. Ichihashi, Mr. Shiratori, Mr. Sugimura.

The secretary general. Assisted by Mr. Cresson and Mr. Osborne. Mr. Camerlynck, interpreter.

1. The seventeenth meeting of the Committee on the Limitation of Armament was held in the Columbus Room of the Pan American Union Building on Saturday, January 7, 1922, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia); for France, Mr. Sarraut, Mr. Jusserand, Vice Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Acton; for Japan, Admiral Baron Kato, Prince Tokugawa, Vice Admiral Kato, Capt. Uyeda.

3. Secretaries and technical advisors were present as follows: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Capt. Domville, Mr. Mousley, Col. Day, Mr. Flint; for France, Mr. Kammerer, Mr. Denaint, Capt. Odend'hal, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Col. Asinari di Bernezzo; for Japan, Mr. Ichihashi, Mr. Shiratori, Mr. Sugimura. The secretary general, assisted by Mr. Cresson and Mr. Osborne, was present. Mr. Camerlynck was present as interpreter.

The chairman, Mr. Hughes, at the opening of the meeting, recognized Prince Tokugawa.

Prince Tokugawa said that it was for an unpleasant purpose that he arose to say a word. As some of the committee already knew, he was about to take his leave of the conference; he was starting that afternoon on his return journey to Tokyo to resume his responsibilities in Parliament, which had already convened.

It was needless for him to say how greatly he appreciated the courtesies which had been accorded to him by all the delegates and for their cooperation in the work of the conference. That work had already achieved remarkable success, and as was known, its full list of accomplishments was not yet completed.

In bidding to the members of the committee adieu, he wished to say that he would always remember with gratification and pride the unique privilege which he had had of sitting with them and would be delighted whenever their and his paths might cross again.

The chairman said he was sure the members of the committee would all deeply regret that Prince Tokugawa had to leave them. They were indebted to him for his cooperation and he might be as-

sured of their abiding affection and esteem. He was leaving the most pleasant memories of his association with them in this important work and the contribution that he had made personally to the success of their efforts.

The chairman then suggested that the committee proceed with the consideration of the resolution which had been presented with respect to the abolition of the use of asphyxiating and other poisonous gases in warfare. He then read the resolution as follows:

"The use in war of asphyxiating, poisonous, or other gases and all analogous liquids, materials or devices having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties:

"Now to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, the signatory powers declare their assent to such prohibition, agree to be bound thereby between themselves and invite all other civilized nations to adhere thereto."

Mr. Sarraut said he rose to express his full and frank adherence to Mr. Root's resolution. From the first France had condemned the barbarous inventions and the abominable practices introduced by Germany in the late war and the new methods consisting in the use of gases, burning liquids, and poisonous substances; the first thing the committee should do was officially and solemnly to denounce those who had taken the initiative in these things. All present should hope and work for the final disappearance from warfare of these infamous practices, if indeed other wars were to come—a thought which, he said, was abhorrent to him.

This might, no doubt, be accomplished by setting an example to the other countries. The reports of experts who had maturely considered the question had indeed pointed out the extreme difficulty, if not impossibility, of taking practical precautions against the threat and the use of these poison gases and these chemicals. It was an established and indisputable fact that those chemicals, which were used in the manufacture of gases and poisons, were the same that were used for innumerable ordinary substances necessary to the industrial and peaceful life of the human race.

The reports of experts had established the impossibility of exercising an effective supervision over the production of gases which might be used as weapons of war and hence the impossibility of preventing or limiting such production. This entailed, as a logical consequence, the impossibility of preventing any country from arming itself in advance against the unfair use of those gases which an unscrupulous enemy might secretly prepare for sudden use upon an unprotected enemy, as had been done during the late war.

But, if the exercise of authority in the matter did not at the moment appear practicable, the Root resolution was none the less a useful accomplishment because, in the first place, it would be a bond of union between the Powers here represented and, further, because their agreement and their example might be such as to bring about the adherence of all the nations to the same principles. It was necessary, indeed, that this adherence should be unanimous in order that an effective and salutary result might be obtained. But,



in the meantime, the conference would have presented a great example possessing a not inconsiderable persuasive power, thus possibly preventing the repetition of certain atrocities committed by certain belligerents during the late war. It was with this lofty and humane motive that the French delegation subscribed with all its heart to the Root resolution.

Mr. Balfour said that as he understood the matter, the proposal before the meeting was the reaffirmation of the admitted principles of international law. In that sense there was nothing new in the proposals made by Mr. Root. Indeed, on the very face of the document itself, it was pointed out that the greater number of nations, in the various treaties which they had made subsequent to the armistice, had explicitly or implicitly declared that, in their view, the present proposal was already part of the accepted law of nations. He believed that the United States of America, who had not ratified those treaties, had made separate treaties; but in those treaties also they had by implication affirmed the present proposal as part of the general law. Moreover, he remembered that in March, 1918, a declaration had been made by all the allied and associated powers, in response to an appeal made to them by the Red Cross Society, in which in explicit terms they had laid down the same doctrine. Behind all those formal acts there had been the findings of the two Hague conferences which, although so far as he was aware were not ratified by the United States of America, were accepted by all the other powers engaged in those conferences, undoubtedly with the sympathy although not with the explicit ratification of America. Therefore, he supposed he was right in saying that the document before them neither made nor professed to make any change in international law.

It would be interesting to compare the procedure on this point with that which had been adopted with regard to submarines. There also they had declared in very clear terms what they conceived to be the law, and what undoubtedly was the law of nations as regards attacks on merchant ships by ships of war. In that case they went further than it was now proposed to do, and further than it was possible to go now, for they had made an alteration and had proposed an extension of the law of nations. They had agreed among themselves to be bound by regulations which were in advance of the actual law of nations; and they had also altered the sanctions which lay behind the law of nations, in that they introduced the fourth of Mr. Root's clauses which would convict the individuals who broke the law as guilty of piracy. So that in dealing with submarines they had gone a good deal further than was practicable in the present case. They could now do no more than reaffirm the law. It might be asked in the first case what was the use of merely coming forward and reaffirming what nobody denied? Personally he thought such a course was important and valuable, if all the lamentable occurrences of the late war and all the developments which that war caused in the use of noxious gases were taken into account.

Of course, they must all admit, as M. Sarraut had well pointed out, that a mere affirmation of the law without adding any sanctions to it would not relieve the nations of the world from taking precautions against those who were prepared to break the law; and who, if they were allowed to do so with impunity, might dominate the

world by the mere indifference they showed to the laws which the world had endeavored to lay down. That was what had actually occurred in 1915. In 1915, as in 1922, the present proposal was the law of nations; and, because it was the law of nations, no nation but one had taken any steps toward using noxious gases, or had contemplated as part of their possible military operation that such gases should be used either by themselves or by their enemies. The result had been very near to a complete disaster for the Allied armies. The shock of that new weapon of warfare had been wholly local, for the invention of science came to the rescue, and finally the Allies and their unscrupulous enemy fought out the war on equal terms. That example unhappily was now before them and could not be ignored. Their specialists had pointed out in Washington, and an examination by a committee of the League of Nations had brought out a similar result at Geneva, that it was perfectly impossible so to arrange matters that a nation bent upon doing so should not in times of peace—whatever the rules of war might be—make such preparations as would enable it to use that monstrous and inhuman method of warfare at its will if war broke out. They knew that at least one great civilized nation had not thought it improper, or at all events had chosen, whether proper or not, to break the law of nations. That wretched example might unhappily be followed in the future; and therefore no nation could forget that it was open to attack by unscrupulous enemies; no nation therefore could forego that duty of examining how such attacks could be properly dealt with and effectively met.

Again there was a parallel in the case of the submarine. The British Empire delegation had desired to abolish submarines, but that was found impossible, and it was admittedly impossible to stop the erection of works in which poison gases could be manufactured in unlimited quantities. The British Empire delegation therefore had to say—and he was sure they had the sympathy around that table, for no dissentient voice had been raised—that if submarines were allowed they had to contemplate as a conceivable possibility, that they would be misused, and that precautions would have to be taken against such misuse. He believed that every other nation recognized that unhappily submarines would remain a necessity as in the case of poison and lethal gases. Therefore the relief which such a resolution as this would give to the world in connection with poison gas would not be the complete relief which they all desired; it would not remove the anxieties and preoccupations which the possible use of gas necessarily involves. But were they therefore to say that they would do nothing? Were they therefore to say that resolutions such as that now before them were useless? Were they therefore to say that it was an empty form solemnly to repeat rules which were already accepted, although they were not in a position by the establishment of new sanctions absolutely to prevent their use by any nation unscrupulous enough to desire to use them? Those questions he would answer in the negative. He believed that, if by any action of theirs on such an occasion as the present they could do something to bring home to the consciences of mankind that poison gas was not a form of warfare which civilized nations could tolerate, they would be doing something important toward discouraging them.

provided in the present document; no sanction there. But if anyone looked back even upon the lamentable war, he would see, notably in the United States, that the gradual rising of some grossly immoral use of the weapons had profound influence upon the history of the world. That the moral indignation roused in the consciences of the United States had had a most powerful effect upon the whole. He thought that by the present resolution, backed by the consciences of the civilized world, although there was no sanction, for no sanction was possible, they were creating a sanction not formally but informally. That the outraged consciences of the world would rise and that any nation would be very bold and very ill in the face of that universal opinion, it deliberately does which on the present occasion they were invited to abstain. Therefore, without committing himself to the acceptance of the resolution he most heartily associated himself and the Empire delegation with the policy which the American delegation through the mouth of Mr. Root had put forward for consideration.

Baron Kato said that the question of poison gases had been fully and the opinions in regard to them were now known. He would not, therefore, take the committee's creating them; he simply wished to express his approval of the Japanese delegation, of the resolution presented by

the chairman remarked that there seemed to be unanimity in the resolution and added that, unless further discussion he would ask for the formal assent of the delegations in the form in which he had read it. The delegations being polled, each voted affirmatively and the resolution was unanimously adopted.

The chairman said that the next subject presented for the committee's consideration was the question of limitation of aircraft as to character, and use.

It was recalled that a subcommittee of experts to deal with the subject had been appointed; that committee had made a careful, extensive and somewhat voluminous report, which had been presented in view of the fact that the members of the committee had not read the report before them, he assumed that it would not be necessary to read it in extenso. The question, he continued, was not for discussion; the desire was simply to get the report before the committee for such disposition as they might desire; and that they might make a beginning, he would simply refer to the main points of the report. Whatever time was necessary for full examination and analysis would, of course, be afforded. It was not necessary that the committee should proceed with the discussion of it, which would not be continued until all the members of the committee were agreeable to that course.

Robert Horden said that he would be grateful if the chairman would make as full an exposition of the report on the limitation of aircraft as he was prepared to do. This would serve as an introduc-

tion of the principal issues and would facilitate the general understanding.

The chairman then briefly outlined, and read extracts from, the following report:

"COMMITTEE ON AIRCRAFT—REPORT ON LIMITATION OF AIRCRAFT AS TO NUMBERS, CHARACTER, AND USE.

"1. *Form of procedure.*—In considering the limitation of aircraft as to numbers, character, and use, the Committee on Aircraft adopted a form of procedure which took up the various questions involved in the following order: (1) Commercial aircraft; (2) civil aircraft; (3) military aircraft. Heavier-than-air and lighter-than-air craft were considered separately since the conditions governing the two are not in all cases the same. An effort was made to determine whether or not it is possible to impose limitations upon their (1) number, (2) character, (3) use, and after discussion of the methods that might be employed to effect such limitation, whether limitation was practicable or not. This committee feels that the desirability of placing any limitations whatever upon aircraft is a matter of policy, one which it is for the main committee itself to determine. Nevertheless, it feels it to be a duty to point out the essential facts which will have a decided bearing upon the determination of the proper policy to be adopted, and this is done in this report.

"2. *Commercial aircraft.*—Different methods of imposing such limitation may be adopted by different states. The precise methods adopted by any state must be in conformity with its organic law. In some states it may be possible to impose an arbitrary limitation; in others, by the exercise of the police power, or of the power to tax, a practical limitation may be enforced. In the United States, where laws passed by the Congress must conform to the written Constitution of the country, there may be some difficulty in finding an effective means of imposing this limitation, but nevertheless it is believed that if necessary such means can be found.

"3. Before discussing any other phase of the matter it will be well to consider carefully the effects which would follow the imposition of the limitation upon the numbers and character of commercial aircraft which may be owned and operated by the nationals of a state. In the first place, if commercial aeronautics is allowed to follow the natural laws which have governed the development of all other means of transportation and communication, the number and character of such aircraft will probably depend on financial considerations. That is, commercial aeronautics as a business will not thrive unless the operation of the aircraft will return a substantial profit. The state may interfere with the operation of these natural laws by granting to the owners and operators of such aircraft a direct or indirect subsidy. By so doing enterprises which would not otherwise be financially successful may be enabled to live and in this way the number of aircraft used for commercial purposes will be greater than if the natural laws of development had been allowed to take their course.

"It is not easy to foresee what consequences to human progress will come in the future from the development of aeronautics in all

its branches. They will certainly be marvelous where natural conditions are favorable to such development. To try to limit them now with arbitrary laws, even if these laws have the purpose of preventing war, would be in the opinion of this committee disastrous from the point of view of world progress.

"4. If, among commercial aircraft, we class those owned and operated for sport or pleasure or convenience, the numbers of these will depend largely upon the wealth of the nation, upon the inclination of the people toward aeronautics, upon the cost of the aircraft thus employed.

"5. The development of aircraft has presented the world with a new and improved means of transportation and communication. One of the causes of warfare in the past has been a lack of the proper distribution of the world's resources in raw material, food products, and the like. Another potent cause of war has been the lack of understanding between races, peoples, and nations. Any addition to the transportation and communication facilities of the world should operate to improve the distribution of resources and likewise to lessen the causes of misunderstandings between peoples, and thus lessen the causes of warfare. Any limitation, therefore, placed upon commercial aeronautics would have the effect of limiting a means of transportation and communication between the different parts of the same state and between different states. It seems inconceivable that any limitation should be imposed upon commercial aeronautics unless it were with the avowed object of thereby limiting the air power of a state and thus decreasing the liability of war. Commercial aeronautics with its attendant development of an aeronautical industry and a personnel skilled in the manufacture, operation, and the maintenance of aircraft does furnish a basis of air power. The development of commercial aeronautics and the development of a nation's air power are inseparable.

"6. Speaking broadly, all aircraft will be of some military value no matter what restrictions may be placed upon their character. Some can probably be converted with but few changes into military aircraft; others can be designed so that with major or minor alterations, or even with none at all, they can be employed for military purposes. As a matter of fact, the uses of aircraft in war are many. During the World War highly specialized types were designed for special uses. Military aircraft have likewise been developed to a degree of perfection not yet reached in commercial aircraft. It is quite reasonable to suppose that similar development will take place in commercial aircraft, that they, too, will be especially designed for the uses to be made of them, and that they may depart quite radically from the military types used in the World War.

"In military aircraft, as a rule, a premium is placed upon performance. Consideration of initial cost and cost of operation and of maintenance are largely disregarded. The safety and convenience of the operators and passengers are considered only as these affect their ability to perform their military duties. If, as seems evident, commercial aircraft must be specially designed for the service they are to perform in order to have a chance of being financially successful, any effort to provide for their conversion into military craft

will introduce complications which will increase the cost of production and operation. This may itself automatically act as a limitation, for business enterprises will not be willing to have such conditions imposed unless they are compensated in some way for the extra cost.

"7. *Heavier-than-air*.—The war value of an airplane may be said to lie in a combination of two or more of the following characteristics:

- "(a) Its suitability for offensive and defensive equipment.
- "(b) Its radius of action.
- "(c) Its speed.
- "(d) Its carrying capacity.
- "(e) The height it can attain.

"It is not desired to go too deeply into technical matters in this report. The committee wishes, however, to point out that the peace value of aircraft is at present intimately bound up with the general characteristics which make up the value of the airplane in war. The last four of the characteristics enumerated above are dependent upon the relation between the amount of fuel carried, the horsepower of the engine, the lifting surface, and the total weight. The committee is of the opinion that formulae could be evolved defining the inter-relationship of these factors in such a way as to limit the war value of the machine built in conformity therewith. It is more difficult to insure that war equipment shall not be mounted in a commercial airplane. In this matter the committee is of the opinion that definite rules can not be laid down.

"Radius of action is of high commercial value. A reliable air service from Europe to America in, say 24 hours, should prove a highly profitable undertaking. Again, in countries where there is perhaps the greatest scope for the development of airways, countries of great deserts for example; radius of action is essential. Speed is plainly the characteristic on which aircraft rely to gain advantage in their competition with other means of transportation. It is not yet comfort and security, but timesaving that will tempt passengers, mails, and valuable cargoes from old established services. To limit speed is to stop progress, to throttle aviation in its infancy.

"The power of carrying numbers of passengers or quantities of goods is of obvious commercial value and even the attainment of considerable heights may eventually be a definite requirement. As a matter of fact the success of recent experiments indicates that, with special means of supercharging motors, navigation of the air will in the future utilize high regions of the atmosphere to take advantage of a less resistance of the air and of favorable high velocity winds.

"The factors which comprise 'military' performance have, therefore, a high commercial value, and it is the opinion of this committee that any limitation of the character of civil and commercial aircraft must hinder the natural development of aviation; it is probable that restriction as to character will have, in fact, an even more adverse reaction on the progress of aviation than would be caused by a restriction on numbers.

"8. *Method of limitation*.—Aircraft can be limited as to number and character by an agreement arbitrarily fixing a maximum number for each nation that will not be exceeded and by imposing technical restrictions in such a way as to limit performance.

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measure with every means of transportation used on land or water. It is therefore possible for much of the transportation requirements of any State to be met by the operation of aircraft. Such aircraft manifestly are not dependent for their being upon their ability to be operated at a profit. The State will decide how best it may enforce its laws, exercise its police power, transport State-owned merchandise or mails, and the means used will be those which are most efficient and most economical from the standpoint of the State itself. The cheapest will not always be the best or the most satisfactory.

"The number and the legitimate use of aircraft by any Government for such civil purposes will, therefore, be limited only by the estimate placed upon the service which they can render and by the consent of the people to raising by taxation the amount of money which must be employed for their acquirement, operation, and maintenance.

"13. If the civil agencies of a State use aircraft for police or other purposes that are essentially military in character this class of civil aircraft should be discussed under the limitation of military aircraft.

"14. The number and character of such civil aircraft can be limited only by an arbitrary agreement among the States.

"15. It would, again, be utterly impracticable to set up any agency acting under authority other than that of a nation itself to regulate the number of civil aircraft owned and operated by the State.

#### LIGHTER-THAN-AIR CRAFT.

"16. *Limitation of number and character.*—The characteristics of lighter-than-air craft are such that limitation of number and character presents little technical or practical difficulty. It is a peculiarity of these craft that their efficiency is very intimately bound up in their size. Small dirigibles have a war value of their own, but it is limited and they can not be considered as offensive weapons. For example, a small vessel of this kind can not attain any considerable height while carrying a useful load, and even if filled with noninflammable gas its vulnerability to gunfire at the heights it could reach preclude its being utilized for such purposes as aerial bombardment. Only in large-sized dirigibles can a useful load be carried to a reasonable military height at a fair speed. Limitation of size is therefore sufficient to insure that lighter-than-air craft should be incapable of offensive aerial action. Moreover, the construction of large dirigibles requires large shed accommodation and can not be kept secret; in this respect they resemble surface warships.

"17. It is therefore possible to regulate their numbers and size by a simple system of international agreement, and infringement of such agreement can be readily detected without a detailed system of control.

"18. The committee is agreed that the possibilities of war use for large dirigibles may still exist. Although in the later stages of the World War it appeared as if the defense had the mastery over attack in lighter-than-air craft, the introduction of larger craft filled with noninflammable gas and carrying their own protective aeroplanes may again permit bombardments being carried out by dirigibles.



"This committee desires, however, to draw attention to the fact that dirigibles become increasingly efficient with increase of size. Any limit which is imposed on the size of commercial dirigibles must shut the door on the possibility of their development for legitimate civil enterprises.

"19. *Limitation of the use of aircraft.*—The committee is of the opinion that it would be useless to attempt to lay down a rule that civil and commercial aircraft should not be used in war, as they consider that no nation could deny itself the value for war purposes of their commercial machines provided that they are suitable for any warlike purposes. It is understood that when so used they will be manned by service personnel of the State and carry the proper distinguishing marks, and will in fact become war aircraft; their use does not therefore require discussion in this part of the committee report.

"20. The use of civil and commercial aircraft in peace is governed by the International Air Convention which amply safeguards a State's sovereignty in the air against abuse.

"21. This convention has already been ratified by Great Britain, France, Japan, Belgium, Greece, Portugal, Serb-Croat and Slovene State, and Siam. It will at a very near date come into force for these various powers and later for the other signatory States and also non-signatory powers who desire to adhere to it.

"22. The committee is aware, however, that for certain reasons the United States has not yet announced its adherence to this convention. The committee, therefore, suggests for the consideration of the subcommittee on program and procedure that a convention covering the different phases of aerial navigation and based upon the one mentioned above could be drawn up at this conference to which the assent of all powers represented could be given. The committee further believe that this is most desirable.

#### " SUMMARY OF CONCLUSIONS.

"23. *Civil and commercial aircraft.*—This committee understands that the purpose of this conference is to promote peace and to remove the causes of warfare. It must be understood distinctly that if the conference decided to limit the development of commercial aircraft in order to retard the development of air power, the immediate result will be the retarded development of means of transportation and communication which will itself, if unrestricted, largely act to bring about the same result, the removal of some of the causes of warfare.

"24. This committee is unanimously of the opinion that in the present state of development of aeronautics there is a technical possibility of the limitation of numbers, character, and use of civil and commercial aircraft with regard to their utilization in war; they are, however, agreed that such limitation of numbers and especially of character is not practicable, except in the case of lighter-than-air craft of above a certain displacement.

"25. As regards the desirability of limitations the committee has touched on those factors which must be understood before arriving at a decision. It feels it to be a duty to lay great stress upon the following fact which will have a decided bearing upon any determi-

nation of the proper policy to be adopted: Any limitation as to number and character of civil and commercial aircraft, heavier-than-air or lighter-than-air, which is efficacious to hinder their utility for war purposes, must interfere disastrously with the natural development of aeronautics for legitimate civil and commercial enterprises. To limit the science of aeronautics in its present state is to shut the door on progress. It is for the conference to decide whether the limitations which can with difficulty be devised and imposed are to be adopted at such a cost.

*"Military Aircraft.*—(Note. In the part of the report which follows the word 'military' is used in its widest sense to denote 'pertaining to the fighting services whether naval, military, or air.')

"26. *Preliminary Remarks.*—The committee agreed that before entering upon a discussion of possible limitation of the numbers of military aircraft, it was desirable that the present relative strength of the nations represented should be ascertained and tabulated in a simple form designated to facilitate comparison between them. The results of this investigation are tabulated in appendixes 1, 2, 3, 4, 5 attached to this report. It is remarked that though these forms afford a guide to the relative military air strengths at the present day, it is impracticable to present a complete estimate of a nation's air power, since air power is (as has been already shown) intimately bound up in factors other than the military establishment. Differences in organization and administration of the various national aerial forces are a further obstacle to direct comparison in detail; these factors must not be forgotten when studying the statement presented and must be kept in the foreground of all discussions as to the possibility of limitation.

"27. *As to Number.*—The limitation of the number of military aircraft presents from one point of view less difficulty than the similar problem in the case of commercial aircraft. It is obvious that if a limitation on the number of military aircraft is agreed upon between nations, it can be imposed by a state without that interference with the liberty of citizens which complicates the question of aircraft devoted to commercial pursuits. But when the details of such an agreement are considered, it will be found a matter of great difficulty to find a reasonable basis on which the allotment of relative strengths can be made. For example:

"(i) The 'status quo' cannot serve as a starting point, since the state of development of air services differs widely in the case of the various powers (see appendixes), and in no case can these services be considered as complete.

"(ii) The size of a nation's navy and army will influence the basis, in so far as aircraft are essential auxiliaries to those services.

"(iii) National policy will differ as between nations: some nations, for example, will wish to have large air forces for coast defence where others prefer to trust to older methods. Development on the lines of the substitution of air forces for other forms of force are likely to be considerable.

"(iv) The potentialities of air forces in policing and garrisoning semicivilized countries or uncivilized countries, are as yet only partially realized. The number of aircraft required for such duties will

vary with the size and nature of the territories to be patrolled and with the value placed on their services by different nations.

"(v) The geographical position and peculiarities of a state, the situation and strength of its possible enemies, and the nature of a possible attack must influence the number of aircraft it will desire to maintain.

"(vi) Different terms of service for personnel will influence the effectiveness of air services and the size of the reserve.

"(vii) The state of development or possibilities for civil aeronautics will have, as has been shown above, a direct bearing on the number of military aircraft which it may be desirable for a state to maintain.

"The problem of finding a suitable ratio between the air forces of various powers is thus at the present time almost insuperable.

"28. *As to Character.*—But even should it be possible to fix the ratio, such a limitation would be of little value without some limit as to the character of the aircraft. When the question of limitation of naval armaments was considered by the conference it was found necessary to limit the displacement of individual ships as well as the total tonnage. In the absence of similar provision the limitation of numbers of aircraft would only result in competitive building of aircraft of greater and greater power and size. The methods of limitation must therefore attempt to legislate for both number and character.

" HEAVIER-THAN-AIR.

"29. *Methods of Limitation.*—The following methods may be employed:

"First. The limitation of the number of military aircraft.

"Second. The limitation of the amount of horsepower for military aircraft.

"Third. The limitation of the lift tonnage for military aircraft.

"Fourth. The limitation of personnel for military aircraft.

"Fifth. The limitation of military aircraft budgets.

"These five methods may be applied in combination or singly and are considered in detail below:

"30. Limitation of the number of aircraft is the most obvious method of limiting the strength of the aviation force, but in attempting to apply this method the question of size and type at once arises. It might be necessary to limit the maximum wing surface permitted to a single aircraft or it might be necessary to prescribe the number of aircraft in each of the type groups, such as combat planes, bombing planes, etc.; this question of definition of type presents great difficulty. In order to make an effective limitation of the numbers of military aircraft to be maintained in peace time by any nation, it will be necessary to have a detailed understanding on the following points:

"(1) On the number and types actually in use by organized aerial units.

"(2) On the number and types held in reserve.

"(3) On the number and type of engines held in reserve.

"(4) On the replacement of planes crashed, worn out, or replaced by later models. In the case of obsolete and other planes that are

replaced by other models it would be necessary to enter into an agreement regarding the disposal of planes so replaced. Otherwise it would be possible to build up an unlimited war reserve merely by classifying the planes so held as obsolete, or by converting them into civil or commercial planes.

"(5) On the limitation of the adoption of new and more powerful types.

"All these points will present great difficulty in an age when aircraft can become obsolete in a few months, and when their nature is such that war wastage may be as high as 200 per cent per month.

"31. The second method of limitation, limitation of horsepower, may apply to:

"(1) Total horsepower in assembled planes.

"(2) Total horsepower in assembled engines.

"(3) Horsepower in a single individual plane of a given type.

"This can only be based on the cubic capacity of the engines; there will be no guaranty that a nation has not discovered a secret which will enable greater horsepower to be got out of limited capacity, nor is it reasonable to expect any nation to disclose such a secret. The more detailed the limitation the greater the administrative difficulty of enforcement, particularly under present conditions, when administrative methods are so widely different, and, as pointed out in the first part of the report, any enforcement, to be effectual, would entail such detailed inspection by a foreign commission as to be intolerable to any nation.

"32. The third method of limitation, limitation of lift tonnage, may apply to:

"(1) Total lift tonnage in assembled planes.

"(2) Total lift tonnage in all planes assembled or not assembled.

"(3) Lift tonnage of a single individual plane of a given type.

"Any method must presumably be based on wing area and horsepower. It has been mentioned that the actual horsepower may be unknown, and it is likewise conceivable that a nation may discover a wing shape of extreme lifting efficiency and neglect to disclose the fact. Limitation of lift tonnage may therefore be wholly illusory, and the remarks as to inspection made in the last paragraph apply to this method also.

"33. The fourth method of limitation, whether of the total or organized personnel for war aircraft or only of pilots in the permanent military establishment, fails by reason of the difference in organization between different states. A nation which has a separate air service has to include in its organized personnel those employed in recruiting, supply, transport, administrative headquarters, etc. In the case of nations whose air forces are contained in their naval and military forces, supply, etc., personnel are included in naval and military establishments; a fair comparison can not therefore be made. Moreover, the difference in terms of service, long, or short, voluntary service or conscription, must introduce incalculable factors which directly affect the efficiency of organized air forces and the size and efficiency of the reserve.

"34. The fifth method of limitation, limitation by means of limiting the budget and thereby controlling the amount of money

that may be expended annually for aviation, seems simple in theory, but it is difficult of application. The various methods of distributing budgets for material under different subheads make it impracticable to determine or compare the actual sums expended exclusively for aircraft, and the question is at present further complicated by the factor of the relative purchasing power of the currency of various nations.

"35. Of the five methods of limitation, limitation by lift tonnage or horsepower appears to present the least objections; but to make these or any other methods effective, it would be necessary, as previously pointed out, to organize a system of international inspections. Any system of international inspection would be almost certain to arouse ill-feeling and would tend to cause friction rather than to insure harmony and good feeling between friendly powers.

"36. *Impracticability of limitation of number and character.*—Objections in detail to each suggested method of limitation have been advanced above—there is one insuperable objection which is common to every method, namely, the close relationship which at present exists between civil or commercial aeronautics and air power. Unless civil and commercial aeronautics are strictly limited—and it has been shown in the early part of this report that it is not practicable to limit them—a nation desiring air power in excess of the limit imposed or agreed to will develop its civil and commercial aeronautics to any extent desired.

"Granting a flourishing aeronautical industry, the number of the present type of perishable military airplanes active on any given date is only one of the elements of air power. During the war a single American firm contracted to deliver 100 aircraft a day, and the output of engines can be organized on a similar scale. A nation's air power can thus be multiplied not only by the actual number of civil and commercial aircraft in use but also by the capacity of the industry to turn to the manufacture of military aircraft in large quantities. Limitation of the number of horsepower and lift tonnage would under such conditions prove illusory. This commercial industry will further provide a great potential reserve of pilots and skilled technical personnel and will thus discount to a great extent any limitation of numbers of the personnel of military aviation.

"37. It is the opinion of this committee that the limitation of military air power (as regards heavier-than-air craft) is not practicable at the present time. Their reasons for this decision are as follows:

"(I) The difficulty of finding a basis for the proportion of aircraft to be allotted to the various nations.

"(II) The difficulty of devising technical methods to impose such limitation.

"(III) The difficulty of enforcing such methods.

"(IV) The interdependence between air power and a commercial aircraft industry which it is not practicable to limit.

"38. *Lighter-than-air craft.*—Many of the remarks already made apply to lighter-than-air craft but, as in the case of commercial aircraft of this nature, limitation is both possible and practicable. It is unnecessary to recapitulate the argument that the military value

of a dirigible is dependent on its size, and the size of dirigibles and the number maintained can be limited by agreement of a few simple rules. Infraction of such rules can be rapidly ascertained without detailed inspection. But such a limitation of lighter-than-air aviation forces would not effect a limitation of this kind of air power of a nation unless a limitation were also imposed on its lighter-than-air commercial activities. The line of demarcation between the large commercial airship and the military airship is very slight, and a commercial dirigible would require little, if any, alteration in order to adapt it to military purposes. The objections to the limitation of the number or character of commercial lighter-than-air craft have already been remarked on.

"The question of the use of military aircraft.

"39. It is necessary in the interests of humanity and to lessen the chances of international friction that the rules which should govern the use of aircraft in war should be codified and be made the subject of international agreement.

"40. The matter has been considered by this committee in connection with a draft code of 'Rules for Aircraft in War' submitted for remarks by the committee on the laws of war. The subject appears to the committee to be one of extreme importance and one which raises far-reaching problems, legal, political, commercial, and military; it requires, therefore, exhaustive discussion by a single committee in which experts on all these issues are assembled.

"The representatives of the United States and Japan on this committee are prepared to discuss the rules submitted from a technical point of view as provided for in the agenda under paragraph on limitation of new types of military arms, but the representatives of Great Britain, France, and Italy are not so prepared. They state that the time between receipt of the agenda for the conference and their date of sailing has not permitted that exhaustive discussion of the subject that would enable them to advance a national viewpoint on a matter which affects so many and varied interests. In some cases the national policy has not yet been determined.

"41. This committee recommends therefore that the question of the rules for aircraft in war be not considered at a conference in which all the members are not prepared to discuss so large a subject, but that the matter be postponed to a further conference which it is recommended be assembled for the purpose at a date and place to be agreed upon through diplomatic channels.

**"SUMMARY OF CONCLUSIONS ARRIVED AT BY THE COMMITTEE ON NUMBER, CHARACTER, AND USE OF AIRCRAFT.**

"42. The committee are agreed that among the more important elements which influence the power that a nation may exert by means of aircraft are the following:

- "(1) The adaptability of its people to aeronautics.
- "(2) Geographic location and characteristics of the territory occupied by the nation and its dependencies.

"(3) The ability to produce and maintain aircraft and accessories.

"(4) The amount and character of aeronautical activity outside the military establishment, such as commercial and civil aeronautical activities, and sport and pleasure flying.

"(5) The size and efficiency of its air establishment for military purposes, consisting of (a) the active establishment, including permanent headquarters, bureaus, squadrons, schools, technical establishments, depots of material and personnel, etc.; (b) the reserve establishment, including organized and unorganized reserve personnel and war reserve of material.

"43. (1) The adaptability of a nation to aeronautics.

"Interest of the general public in aeronautics seems to be inherent in some nations; in others it is dormant or almost lacking. The confidence of a people in aeronautics in general is undoubtedly a factor worthy of serious consideration when estimating the air power of that country. It is possible that a far-seeing Government may stimulate the interest of its general public in aeronautics by exhibitions, general educational measures, and by the encouragement in a financial way of individuals already interested, and thus increase the adaptability of its people to aeronautics.

"44. (2) Geographic location and characteristics of the territory occupied by the national and its dependencies.

"This may be looked on as closely akin to (1). The physical characteristics of a country will have a considerable influence on the attitude taken by its inhabitants toward aviation. It is obvious that, while government action may improve the natural characteristics of a country to a certain degree, by making aerodomes, etc., it is not possible for any limitation of such action to be made except by limiting the total amount spent by the nation on aviation, a method which has already been shown to be largely ineffective.

"45. (3) The ability to produce and maintain aircraft and accessories.

"The maximum aeronautical industry possible for a nation to build up under ideal conditions is determined by (1) the extent to which manufacturing in general is carried on; (2) by the character of articles manufactured; (3) by the manufacturing methods in general, that is, whether articles are manufactured by machinery or by hand; (4) the supply and availability of essential raw materials. In the manufacture of many articles the raw materials used and the manufacturing methods are similar to those employed in the manufacture of aircraft and accessories. The amount of this class of manufacturing carried on in any country is an essential factor in estimating the ability of a nation to produce aircraft.

"The ability to expand an existing aeronautical industry rapidly enough to meet war conditions is one of the most important elements of air power. This may be estimated by (1) the number of individuals skilled in the manufacture of aircraft and accessories; (2) the number of individuals whose training in industries similar to the aeronautical industry forms a basis for learning readily and rapidly the special problems encountered in the manufacture of aircraft and accessories; (3) the size and condition of the existing aeronautical

industries and the size and number of manufacturing concerns that can readily be converted to the manufacture of aircraft and accessories; (4) the existence of a definite program previously determined upon and the extent to which orders have been previously placed in anticipation of an emergency with a consequent perfection of plans; (5) the amount and state of availability of the essential raw materials; (6) the quantity of available jigs, tools, dies, and production drawings for going into quantity production of standard equipment.

"46. (4) The amount and character of aeronautical activity outside the military establishment has been exhaustively discussed under the limitation of civil and commercial aircraft. It has been shown that this is intimately bound up with (1) (2) and (3), above, and that, with the exception of lighter-than-air craft of above a certain size, it is not practicable to limit it except perhaps by limiting the amount of subsidies to commercial aviation, a method which has been shown to be difficult of application and to be otherwise objectionable. It has also been shown that the limitation of lighter-than-air craft would have a disastrous effect on aviation.

"47. (5) Existing establishment of aircraft used for military purposes and the reserve.

"The size of the organized reserve will depend upon the size of the military establishment and the rate at which members of the military establishment are trained and returned to civil pursuits. Any reduction in the permanent peace-time establishment will carry with it a consequent reduction in organized and trained reserves. There is, however, a type of personnel whose civil pursuits fit them for immediate service in the air establishment. This class is made up by those engaged in commercial and civil aeronautics and industrial pursuits which require the same trades and basic knowledge and experience as is required in the operation and maintenance of military aircraft. This class will not be seriously affected by any change in the military establishment.

"48. Technical considerations have led the committee to the conclusion that the limitation of the fifth element, namely, the size and efficiency of peace-time air establishments for military purposes (including the active establishment and the organized reserve), although theoretically possible, is not practicable. The committee also desires to lay stress on the fact that, even if such limitation was practicable, it would not prevent the use of air power in war, but would only operate to give greater comparative importance to the other elements of air power which can not be limited for the reasons given in the report.

#### "FINAL CONCLUSION.

"*Number and character.*—The committee is of the opinion that it is not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military, excepting in the single case of lighter-than-air craft.



"*Use.*—The committee is of the opinion that the use of aircraft in war should be governed by the rules of warfare as adapted to aircraft by a further conference which should be held at a later date.

"Respectfully submitted by committee on aircraft.

"For the United States of America:

"WILLIAM A. MOFFETT, *Chairman,*  
"Rear Admiral, *United States Navy.*

"MASON M. PATRICK,  
"Major General, *United States Army.*

"For the British Empire:

"J. F. A. HIGGINS,  
"Air Vice Marshal, *R. A. F.*

"For France:

"ALBERT ROPER, *Capitaine,*  
"Pilot Aviateur, *French Army.*

"For Italy:

"RICCARDO MOIZO,  
"Colonel, *R. I. A.*

"For Japan:

"OSAMI NAGANO,  
"Captain, *I. J. N.*

"NOTE.—The Italian representative believes and desires to place on record, that one way in which it would be possible to limit the air power of a nation would be by placing a limit upon the number of pilots in the permanent military establishment and consequently agrees with the general reasoning of the report in so far as is not contrary to this opinion.

"(Signed)

COL. R. MOIZO,  
"RICCARDO MOIZO,  
"Colonel, *R. I. A.*"

The chairman said that the report was now before the committee for such action as might be deemed advisable.

Mr. Sarraut said that the report would have to be translated, and the reading of it alone would take some time; the subject was not on the agenda. He believed that he voiced the opinion of his colleagues on the committee as well as his own in saying that, under the conditions, it would be advisable to afford time for the necessary examination of the contents of the report.

The chairman said that, in view of the very short time there had been for the examination of the voluminous report, he thought that abundant time should be given for its consideration; he had taken it up that morning merely because other subjects had been disposed of, and he thought that even a general statement might aid the committee in making progress with its work. He was not aware that the committee was prepared to take up another matter at that time, and he therefore suggested that, if that was agreeable to the committee, adjournment be taken until Monday.

Lord Lee asked whether the chairman would give some indication of what subject would be discussed after the report on aircraft; from present indications the consideration of this report would take only a short time, and the British delegation would like to be prepared for what was to follow.

The chairman said that three subcommittees had been appointed, one on gas, one on aircraft, and one on rules for the conduct of war. The committee had dealt with the report on gas and adopted a resolution; it had had before it the report on aircraft. He understood that the subcommittee on rules of war believed that it would be impracticable, at this conference, to do more than suggest that these should be carefully examined and made the subject of consideration at another conference. If that was the sense of the conference, and no extended examination of the question was to be made, he supposed that the next order of business would be the consideration of the report of the details of the proposed naval treaty, with respect to all the matters which were then engaging the attention of the naval experts and the legal experts. He was unable to say whether that would be ready for the next session or not. He assumed that it was the next topic to be taken up, if it was decided not to discuss rules for the conduct of war.

Mr. Balfour said that he had listened with great satisfaction to Mr. Hughes's observations on the report. As concerned a general revision of the rules of warfare, he said he was afraid he must discourage any attempt to deal with that tremendous subject. He was in some doubt as to whether it came within the list of subjects which his Government had authorized him to discuss; but however this might be, he thought that all his colleagues would be wise to limit their ambitions in this direction as closely as he did.

Sir Robert Borden said he had been much impressed with the suggestion of Lord Lee on a previous occasion that, should another great war break out, questions raised by the illegal use of submarines might arise concerning the use of aircraft in connection with the search, seizure, and capture of merchant vessels. Sir Robert Borden merely wished to remind his colleagues of this point without even suggesting that it should be considered by this conference. But the subject was, in one sense, connected with the conditions under which merchant ships might be ordered to stop and might be searched, seized, and eventually captured. This might be done by aircraft in the next war; in the last war it had been governed by the rules as they were then understood, which had not been conformed to by one nation. If no principles were formulated, the powers might be confronted with the same problems with respect to aircraft.

Lord Lee said that he was well aware of the importance of the point raised by Sir Robert Borden and that, in fact, it was the point he himself had brought to the notice of the conference. He supposed, however, that it would be in order for it to come under the second of the final conclusions of the report on the limitation of aircraft. If this conclusion should be accepted by the committee, as Lord Lee assumed it probably would be, then the matter would go over to the further conference suggested therein—a course which he would not oppose.

Senator Schanzer said he desired to add a few words in the same connection as those of Sir Robert Borden. The conclusion reached by the subcommittee of experts was that the conference should not attempt to fix rules for aircraft, and that this question should be referred to a future conference. He had at the present

time no formal proposition to present, but he thought the matter ought to be discussed. He was entirely in accord with Mr. Balfour, that the conference should not attempt to pass on the vast subject of the laws of war, as time did not permit of this; but it was impossible not to consider the fact that certain laws previously made—such as those contained in Mr. Root's resolutions regarding submarines—had been reaffirmed at this conference; in the same resolutions the powers represented on the committee had stigmatized the abuses of the submarine and had established sanctions. It was impossible to forget the excesses committed by military means by the bombardment of open towns in Italy during the recent war. This had been forbidden by The Hague convention and, just as the committee had thought it necessary to condemn excesses committed in connection with submarine warfare, would it not be helpful to condemn the excesses committed in connection with the bombing of open towns? He did not know whether it was proper to suggest such a proposition at that time, but he thought that there should be a discussion of the matter for the purpose of ascertaining whether a resolution forbidding the bombardment from the air of open towns and villages could not be formulated.

The chairman said that if it were proposed to discuss the question of rules of war, except possibly in a very limited sphere, the committee would enter upon a field which, he assumed, would give it a great deal of concern and would require prolonged study and discussion. He did not suggest that the committee should not enter upon that field if the delegates desired that these subjects should be taken up. He supposed that the report on aircraft could be dealt with, in its main features, in a comparatively short time. The report was voluminous, but that very fact led to an easy comprehension of the recommendations. If it was desired, in connection with the use of aircraft—for example, in relation to merchant ships and undefended towns—to bring forward specific resolutions, there would be opportunity to do so. He suggested, however, that the committee adjourn until Monday at 11 o'clock, and that it then proceed with the discussion of the aircraft report. If anything else was ready, when that had been disposed of, the committee would take it up.

The committee then adjourned until Monday, January 9, 1922, at 11 o'clock a. m.

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#### EIGHTEENTH MEETING—MONDAY, JANUARY 9, 1922, 11 A. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz. Accompanied by Mr. Wright, Mr. Clark.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India). Accompanied by Sir Murice Hankey, Air Marshal Higgins, Capt. Domville, Mr. Malkin, Mr. Flint, Mr. Christie.

*France.*—Mr. Sarraut, Mr. Jusserand, Admiral de Bon. Accompanied by Mr. Kammerer, Mr. Denaint, Mr. Ponsot, Capt. Odend'hal, Capt. Roper.

*Italy.*—Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton. Accompanied by Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli.

*Japan.*—Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda. Accompanied by Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The Secretary-General accompanied by Mr. Paul, Mr. Pierrepont, and Mr. Wilson; Mr. Camerlynck and Mr. Talamon (interpreters).

1. The eighteenth meeting of the Committee on Limitation of Armament was held in the Columbus Room of the Pan American Building, at 11 a. m., January 9, 1922.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, Col. Roosevelt, Admiral Coontz; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Rear Admiral Sir E. Chatfield, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India); for France, Mr. Sarraut, Mr. Jusserand, Admiral de Bon; for Italy, Senator Schanzer, Senator Albertini, Vice Admiral Baron Acton; for Japan, Admiral Baron Kato, Mr. Hanihara, Vice Admiral Kato, Capt. Uyeda.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. Clark; for the British Empire, Sir Maurice Hankey, Air Marshall Higgins, Capt. Domville, Mr. Malkin, Mr. Flint, Mr. Christie; for France, Mr. Kammerer, Mr. Denaint, Mr. Ponsot, Capt. Odend'hal, Capt. Roper; for Italy, Marquis Visconti-Venosta, Count Pagliano, Commander Prince Ruspoli; for Japan, Prof. Tachi, Mr. Sugimura, Mr. Shiratori, Mr. Ichihashi.

The secretary-general of the conference, assisted by Mr. Paul, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

The chairman, Mr. Hughes, said that a draft of the proposed treaty relating to naval armament had been distributed that morning. The advisers—that was to say, the naval experts and the legal experts—had been in consultation, and the draft represented the points of their agreement. There were only one or two points upon which they had failed to agree. There was also a question as to form which he would not take up at this time.

He had been in conference with the heads of the delegations who, in the interest of expedition, had agreed on this course of procedure. The heads of the delegations would call meetings that afternoon of their respective delegations and go over the provisions of this proposed treaty, to see whether there were any points upon which the naval experts had agreed which were not regarded as satisfactory to the delegations; because, of course, it was submitted by the experts for consideration, and their agreement was in no way binding upon the full committee. They would also take up with their respective delegations the matters which had been reserved by the experts for further consideration.

On being advised that this work had been completed, the chiefs of delegations would meet and put the treaty into its final form for submission, in its entirety, to this committee, unless some question of broad policy of a distinctive character should be submitted which required special discussion in this committee. The reason

for this procedure was, of course, that there were a multitude of details which had been thoroughly considered by naval experts and legal experts, and unless there was some broad question of policy it would serve no useful purpose to take up this treaty article by article in the full committee. There should, of course, be opportunity in each delegation for consideration of any points which it might be desired to present.

The chairman merely announced this as a course of procedure agreed upon by the chiefs of delegations, which would postpone, for the time being, consideration of this proposed treaty.

In the meantime, the chairman wished to suggest that this should be held in the strictest confidence. This was not a treaty. It was nothing but the agreement of the experts, and while it well might be found acceptable later, it was not in a shape to be communicated at this time to the public or to anyone outside those here responsible for its contents.

The question next to come before the committee, the chairman went on to say, was raised by the subcommittee which had dealt with the matter of limitation of aircraft as to numbers, character, and use. The committee would note the two recommendations of the subcommittee or statements of its final conclusions.

The first was as follows:

"The committee is of the opinion that it is not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military, excepting in the single case of lighter-than-air craft."

The second was this:

"The committee is of the opinion that the use of aircraft in war should be governed by the rules of warfare as adapted to aircraft by a further conference which should be held at a later date."

It might be said that if it was the desire of this committee to adopt certain resolutions relating to the use of aircraft in war, as, for example, with respect to the bombardment of undefended towns and villages and the like, and also with respect to the limitation of the use of aircraft in connection with merchant vessels under the rules of international law, as stated in the first resolution adopted with regard to submarines, those matters could be presented for consideration when the second recommendation or conclusion of this report was taken up.

The chairman suggested, therefore, that in the interest of speed the committee should confine itself, in the first instance, to the consideration of the first conclusion of the subcommittee, to wit, that it was not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military, except in the single case of lighter-than-air craft.

He took the liberty of suggesting, further, that in consideration of this conclusion, discussion should at first be limited to heavier-than-air craft, in order not to deal with a matter which was treated as exceptional by the subcommittee, a matter, moreover, concerning which the subcommittee considered it practicable to impose effective limitation.

If agreeable to the committee, in the interest of having the discussion directed to a precise point, the question presented was, that of the adoption of the conclusion of the subcommittee should now be con-

sidered, and that, aside from the case of lighter-than-air craft, it was not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military.

Senator Schanzer said that the subcommittee of experts had come to the conclusion that there was no practical method for limiting military and naval aviation.

In the subcommittee the Italian member alone was of the opinion that such a limitation could be obtained by limiting the number of pilots of the permanent military organizations, and since the other powers were willing to accept the conclusions of the subcommittee and a proposal aiming at the limitation of air armaments would have no chance of being accepted at that time, the Italian delegation would limit themselves to expressing the desire that the future conference which would be called to study and define the laws of aerial warfare should take up again also the question of the limitation of aerial armament.

The Italian delegation had always insisted on the limitation of armaments in all fields and would deem it regrettable that the competition which the conference had partially succeeded in excluding from naval armament, should be transferred to the domain of military and naval aviation; this would be a serious drawback to the work of the economical reconstruction of all the countries represented, which it was the duty of the delegates to have in view.

Senator Underwood said that he had not expressed his views very much to the conference. He was in hearty accord with what they had done. He himself believed in real disarmament, looking to the permanent peace of the world, and he would be very glad to vote for the cutting out of any instrument of war if it really affected the situation; but heavier-than-air craft and lighter-than-air craft both were useful for land armament as well as sea armament. The man who was trained in one machine could fly in the other, and, in the main, the machine that might be used with land armies, with slight changes, could be used in naval warfare. He personally would be very glad to see the question of limitation of land armament taken up, but he understood the conditions that confronted them and knew that it was not probable that it would come before this conference, for reasons that it was not necessary to go into, therefore it did not seem to him practicable to pass resolutions in reference to the limitation of aircraft at this time. For that reason, his view was in accord with the view of the technical subcommittee.

Mr. Balfour said that it was impossible to resist the practical conclusions of the subcommittee on aircraft with regard to the limitation of heavier-than-air craft, which he understood was the point for immediate discussion. This was regrettable, because one must regret anything that restricted the power of the conference to limit armaments whether by land or sea or air. But the committee had to accept the facts as they now appeared and leave it to some future time to deal with the subject, when the technical differentiation between war and peace aircraft should have become clearer. Senator Underwood had put with great force a further special obstacle that stood in the way at the moment.

As he had shown, the conference was precluded from dealing with the larger problems of land armaments. Aircraft were a land

as well as a naval arm. Accordingly, to deal with the limitation of aircraft at this time would be to deal with only a fraction of the subject of land armament and to leave wholly untouched the larger proportion of the great problems connected with it. There was another general argument pointing in the same direction. Unlike the case of submarines, in the case of air craft military and civilian uses were not sharply divided. There was practically no commercial civil use for a submarine, but there were many who thought that the development of aerial invention was going to exert an immense influence upon the economic development of mankind and upon intercommunication of different peoples. In the present stage of their knowledge of air matters it seemed quite impossible to limit aircraft designed for military uses without also limiting aircraft designed for commercial uses; so that every restriction which could be put upon heavier-than-air craft, would have a double reaction. It might, perhaps would, diminish the number of aircraft which could be used for military purposes, but it could not carry out that object without also diminishing the number of aircraft to be used for the peaceful purposes of international intercommunication. In those circumstances he must admit with reluctance, but with a clear conviction, that probably the subcommittee were in the right when they said it would be quite hopeless, and not only hopeless but undesirable, to attempt at the present time and in the present stage of human knowledge to limit aircraft. He was therefore prepared to give his adhesion to the first part of the first resolution.

Mr. Sarraut said that he had just listened to the presentation of a certain number of observations in consequence of which he desired to state that the French delegation gave its full assent to the first resolution proposed by the committee.

The reasons adduced appeared to him excellent and the conclusions reached by the impartial investigation of the exports was illuminating.

If he might be permitted to express his personal point of view, he would say that he still regarded with the gravest apprehension any act which might be of a nature to paralyze the progress of aviation.

He had a profound belief in the beneficial effects to humanity of aviation. If it resulted in terrible engines of war, it might also be an instrument of the first importance in time of peace.

Already indeed the airplane was used in the administration of those distant and desolate lands called great deserts by the experts, and where, more than anywhere else, suffering humanity had need of care and of assistance. In the French colonies, very serious efforts had been made to effect the long-distance transportation of essential articles and to bring medical and surgical assistance. Very important results had already been attained along these generous and humane lines.

Under these conditions, it would be very wrong to do anything that might hamper the progress of aviation and it was with this understanding that the French delegation gave its full and entire adherence to the proposals of the committee.

Admiral Baron Kato said that the question of aircraft did not demand elaborate discussion at present. He believed, however, that the

time would come when it would be necessary to effect a limitation upon military aircraft. He agreed with the conclusion of the subcommittee that it was impracticable at present to effect any limitation upon the use of "heavier-than-air" craft. He therefore accepted the proposal on behalf of the Japanese delegation.

The chairman said that he thought that all felt a deep disappointment in being unable to suggest practical limitations on the use of aircraft in war or on the preparation of aircraft for military purposes. The committee knew full well that in aircraft there was probably the most formidable military weapon of the future. And yet, in addressing themselves as practical men, to the problem, the committee found no answer to the arguments which had been set forth succinctly, but most forcibly, by the technical subcommittee.

The reason was, as had been well stated, that the committee was dealing in substance with facilities that were needed in the progress of civilization. It could not put a ban upon progress. The committee also knew, even if it prohibited all aircraft for military purposes and allowed the development of the art to meet the requirements of civil life, that in time of war the basis of that development would be immediately available and within a short time provisions for any possible military uses would be amply made.

The question, therefore, reduced itself not to one of limitation of armament, but to a limitation of civil progress; and faced with that difficulty, there seemed to be no alternative but to adopt the first resolution so far as it applied, as it did apply, exclusively to heavier-than-air craft.

This appeared to be the sense of the committee.

The chairman then said that the next question was whether it would be deemed practicable to impose a limitation in the case of lighter-than-air craft. He called their attention to what the subcommittee had said with regard to this subject. The statement was very short, and it brought the point quite clearly before the committee and, with its permission, he would read it. The subcommittee said:

"Many of the remarks already made apply to lighter-than-air craft but, as in the case of commercial aircraft of this nature, limitation is both possible and practicable. It is unnecessary to recapitulate the argument that the military value of a dirigible is dependent on its size, and the size of dirigibles and the number maintained can be limited by agreement of a few simple rules. Infraction of such rules can be rapidly ascertained without detailed inspection. But such a limitation of lighter-than-air aviation forces would not effect a limitation of this kind of air power of a nation unless a limitation were also imposed on its lighter-than-air commercial activities. The line of demarcation between the large commercial airships and the military airship is very slight, and a commercial dirigible would require little, if any, alteration in order to adapt it to military purposes. The objections to the limitation of the number or character of commercial lighter-than-air craft have already been remarked on."

That allusion was, apparently, to the fact previously emphasized in the report as follows:

"As regards the desirability of limitations, the committee has touched on those factors which must be understood before arriving



at a decision. It feels it to be a duty to lay great stress upon the following fact which will have a decided bearing upon any determination of the proper policy to be adopted; any limitation as to the number and character of civil and commercial aircraft, heavier than air or lighter than air, which is efficacious to hinder their utility for war purposes, must interfere disastrously with the natural development of aeronautics for legitimate civil and commercial enterprises. To limit the science of aeronautics in its present state is to shut the door on progress. It is for the conference to decide whether the limitations which can with difficulty be devised and imposed are to be adopted at such a cost."

It was, therefore, the chairman stated, practicable to impose a limitation, by agreement, upon the size of dirigibles. Questions as to limitation of number could be considered separately, but certainly it was practicable to impose a limitation upon size. The question was whether it was desirable to do so, in view of the fact that commercial dirigibles could be converted into military dirigibles; and therefore the question was whether the advantage in the limitation of armament, that is, in having an agreed limit of the size of dirigibles, was so great that it offset the disadvantage of limiting the size of dirigibles for commercial purposes. The chairman presented that question for discussion.

No one desired to discuss the matter.

The chairman then asked whether it was the desire of the committee to state as its conclusion, in view of the arguments presented by the subcommittee, that it was not practicable to impose limitations upon lighter-than-air craft, or it was their desire to present a resolution containing such a limitation.

Senator Schanzer said that he only desired to ask the chairman if the first proposal, which made an exception for lighter-than-air craft, were approved, might it not seem that the exception were approved also. He suggested the elimination of the words "excepting in the single case of lighter-than-air craft."

The chairman said that the suggestion of Senator Schanzer was that it would accomplish the purpose, if it was not proposed to put a limitation upon lighter-than-air craft, to adopt the conclusion of the subcommittee, leaving out the last clause, so that the sense of this committee would be stated as follows:

"The committee is of the opinion that it is not practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military."

The chairman said that it was suggested by Mr. Balfour that the words "at present" should be inserted before "practicable." That seemed to be a very good suggestion; because that was what they were doing—not indicating that in the future it would not become practicable. Then the resolution would read:

"The committee is of the opinion that it is not at present practicable to impose any effective limitations upon the numbers or characteristics of aircraft, either commercial or military."

He then asked for an assent to this, and it was unanimously adopted.

The chairman then said that the next topic for discussion was the final recommendation or conclusion of the subcommittee, as follows:

"The committee is of the opinion that the use of aircraft in war should be covered by the rules of warfare as adapted to aircraft, by a further conference which should be held at a later date."

The subcommittee had taken occasion to review the difficulties, at the present conference, in adopting detailed rules of war.

It was quite apparent, however, that the late war had revealed the imperative necessity for the adoption of new rules of warfare, and that these new rules of warfare should be framed so as to take into account the development of the science of aeronautics and its application to war. It would require, he assumed, a committee of jurists, sitting for a considerable time, to develop detailed rules of war; and in that sense this recommendation of the committee would commend itself. It did not follow, however, that it would not be practicable, as to certain simple cases of abuses, to indicate the opinion of this committee, and, indeed, to reach an agreement on the part of the nations represented, which would prevent the recurrence of atrocities which shocked mankind when committed during the late war.

He might say that the advisory committee of the American delegation had adopted a report of a subcommittee, of which Gen. Pershing was the chairman, in the following words:

"The use of aircraft in war should be in accordance with the rules of land warfare, by which the attack or bombardment by whatever means of towns, villages, dwellings, or buildings that are undefended is prohibited. The bombardment of fortified places, or of munition factories, is legitimate, but cities and towns, unless defended, should be spared, and every safeguard should be invoked to protect noncombatants against attack from the air."

He saw no reason why this conference, while recognizing the necessity of a deliberate consideration, by an appropriate commission of jurists, of detailed rules of land warfare, should not adopt a simple declaration of that kind.

Senator Schanzer, he concluded, had stated that he desired to bring forward a resolution for that purpose.

Senator Schanzer said that the Italian delegation approved the proposal which aimed at the convocation of a conference for the study of the rules of aerial warfare; but they believed that certain principles of international law existed in relation to the use of aerial weapons, which deserved to be solemnly proclaimed by the present conference.

Since the Italian delegation accepted, for humane reasons, the prohibition of the use of submarines for the destruction of merchant vessels, they felt it their duty now, consistent with principles of justice and coherence, to advance in their turn a proposal concerning the use of military airplanes and airships and of all other warlike weapons for the bombardment of open towns.

Everybody recalled the horrors and atrocities perpetrated by the Germans and their allies during the last war, when open towns were bombarded with so large a sacrifice of lives of noncombatants—women and children. In certain countries many towns suffered by such bombardments, which were a menace not only to the peaceful inhabitants, but also to historic buildings, to monuments, to immortal works of art which certain towns possessed, and which were the patri-

mony not only of the towns directly smitten, or of the nation to which the town belonged, but of the whole of humanity.

Senator Schanzer then read the following draft resolution:

"The signatory powers, desiring to secure the enforcement of the rules of international law tending to the prohibition of the bombardment of undefended towns, villages, dwellings, and buildings by aircraft, declare that they consider the said prohibition as part of the existing international law, and agree to be bound thereby as between themselves and to invite all other civilized nations to adhere thereto."

Admiral de Bon said he fully subscribed to the views expressed by Senator Schanzer. The French delegation considered that the conference which was to examine into the laws of aerial warfare might advantageously establish rules: but Admiral de Bon wished to recall the fact that the matter of the bombardment of unfortified cities was provided for in The Hague convention of 1907, which stated in article 25:

"It is forbidden to attack or to bombard by any means whatever, towns, villages, dwellings, or buildings that are not defended."

What this conference was about to do was, therefore, already regulated by international law. During the late war unfortified cities were attacked not only by airplanes, but by land and naval artillery. Thus, in the first period of the war, the ports of northern Africa were bombarded by German cruisers. There already existed, therefore, principles of international law to which appeal might be made.

Mr. Root said that there was some uncertainty, or alleged uncertainty, in the application of The Hague rule regarding the bombardment of undefended towns to the action of aircraft. Of course, when the rule limited bombardment to defended towns, when it prohibited the bombardment of undefended towns, it had reference to military or naval operations against towns that afforded military obstacles to those operations, and as to those towns the provision was that the commander should notify the defended place, so that the civilians might have an opportunity to withdraw. As to the undefended towns, no one must bombard them at all.

Now, those distinctions did not seem to fit bombardments from the sky. No town was defended against such bombardment. If the rule were strictly applied, it did not prohibit the bombardment of Paris because of the fortifications surrounding Paris. It was a defended town. Most of the cities in Europe had some sort of defenses.

He fully sympathized with the view which Senator Schanzer took. If the committee were going to act, he wished Senator Schanzer would apply his very acute intellect toward making this rule more definitely applicable to the existing circumstances of aircraft and towns defended as against land attacks, but wholly undefended as against air attacks, and resolve the uncertainty that resulted from the fact that the rules were not made for air attacks. He thought the committee would render very useful service if it could do that, far beyond merely repeating a rule and leaving this uncertainty.

When one considered these two rules, that a defended town must not be bombarded without notice sufficient to enable the innocent—

the women and the children and noncombatants—to withdraw, and that an undefended town must not be bombarded at all, when one considered those two rules, the spirit of them could prevent aircraft from bombarding any town whatever. Bombard a railroad junction, a station crossing? Yes. Bombard a munitions factory? Yes. But the center of an innocent population? No, not under any circumstances at all. For that reason, Mr. Root concluded, the rule was inadequate, and if the committee were going to speak they ought to make it adequate.

Senator Schanzer said the question of the bombardment of open towns had been raised because the experiences of the last war had been such that it appeared desirable that the rules of international law concerning this matter should be newly reaffirmed.

Since the draft resolution proposed had raised some doubts as to its interpretation, he did not insist on the formula he had presented, as the committee on the rules of war would be able to study the argument more thoroughly. The important thing for him to record was that from the discussion which had taken place, the full adherence of all the delegations to the principle he had supported, appeared quite clearly. He noted with pleasure the statements made in this regard by Admiral de Bon and Mr. Root.

Admiral de Bon stated that the French delegation agreed wholly with Senator Schanzer and shared his opinion that unfortified cities should not be bombarded.

Mr. Balfour said that he entirely agreed with the views expressed by Senator Schanzer and Admiral de Bon.

The chairman asked whether it was Senator Schanzer's desire that the resolution be put to a vote.

Senator Schanzer said that he would not insist, as the committee had fully expressed the sense of the proposal.

The chairman said there seemed to be general acceptance of the spirit and purpose of the proposal made by Senator Schanzer. It was obvious from the discussion that in detail the matter was one which, like other rules relating to war, would require the most careful and probably protracted consideration of a commission of jurists, in order that the new situations which had been developed should be carefully considered, and rules framed with precision to meet them.

The chairman said that the committee was now considering the recommendation of the subcommittee that rules of warfare should be considered by a further conference. He suggested for the consideration of the committee that instead of taking that course, provision should be made for the creation through the action of the powers here represented, of a commission of jurists, which should, at an early date, take into consideration the question of rules of war which seemed to be demanded by new exigencies and revelations on the adaptation of new instruments of warfare to the end that recommendations might be presented to the powers for their acceptance. The chairman feared that a future conference, for example, dealing with a question of this technical character—technical in the sense that it would require very close study by jurists—would find itself much in the same position that the committee was in: it would have to wait until it was advised by legal experts.

Perhaps the best form that this could be put in, and the most practical action, would be for the powers here to agree to designate members of a commission of jurists, who should make a report and recommendations.

Sir Robert Bordon said that at the previous meeting he had made a suggestion on this subject. He was, however, quite content that what he had said then should be left for the consideration of the proposed future conference or commission. Even a commission of jurists would find extreme difficulty in dealing with a question so complicated in its nature. It was obvious that the present conference could not deal with it satisfactorily. Senator Root had observed that a railway junction or a munition factory might properly be subjected to bombardment. But inasmuch as modern warfare by its very nature involved all the energies of each nation engaged, it would be found that railway junctions, munition factories, and other such points of attack were everywhere scattered among the habitations of the innocent population. Accordingly, it would be necessary to consider how far and by what restrictions the bombardment of such points could be prevented; and, on the other hand, to consider whether it would be feasible to prohibit absolutely any attacks on such war objectives. The subject was an entirely proper one for some future commission or tribunal, but it should be considered whether or not the establishment of such a commission could be appropriately confined to the five powers here represented.

The chairman replied that it was his idea that it should not be so confined, but that the representatives of the five nations should initiate the project. He said that he supposed that a resolution for the constitution of such a commission of jurists would have to be considered most carefully in order that it should be framed with precision and that it might well be committed to the committee on drafting, with instructions to bring in an appropriate resolution to the end sought. It might be sufficient now to declare the adherence of the committee in principle to this, that the nations here represented should provide for the appointment of a commission of jurists to consider the rules of war which were effected by the events of the late war, and also require investigation in the light of the development of new agencies of warfare; and he would ask if there was any objection to adherence to that principle, leaving the precise resolution to be formulated by the committee on drafting.

Mr. Balfour said that he thought the chairman was well advised in saying that this matter should probably be considered a little more closely than it was possible to consider it on an occasion like the present or in the present assembly. Therefore he welcomed the view that the matter should go before the drafting committee. He had, however, two suggestions to make which he hoped the drafting committee would consider. The first was that it would be most inadvisable, in his opinion, to limit the matter to jurists. That was a point which concerned not merely the framing of the law or the mode of fitting into the general tissue of our system of international law any new laws or rules that might be devised. For that purpose, no doubt, jurists were essential, and jurists should play a very great part in any inquiry such as that now proposed. But, after all, the people who had seen these instruments at work, who knew what

those instruments had involved in the past and what they were likely to involve in the future, should have more to say in regard to the framing of such rules than the most expert authority upon international law. He thought that they should play a not less important part in any inquiry which was made on the subject.

He did not know whether his second suggestion would meet with general approval, but he would very much like to see the area of inquiry reasonably limited. International law, and especially international law dealing with the laws of war, was extraordinarily complicated. He could not deny that it ought to be dealt with, and he could not see how anybody could deny it. For himself he could not refuse to accept the proposition that the mere fact of development of methods of warfare carried with it an almost inevitable corollary that the rules of warfare should be revised. But that subject was so complex and so enormous and was so certain to lead to much difference of opinion within the committee of experts and jurists that he would like to divide such an inquiry into two parts. The part of the general inquiry in which they were most interested, which had most usefully occupied some of the attention of the conference, was really adequately described in the list on the agenda which the chairman had brought forward on behalf of the Department of State at the beginning of their labors. Among the subdivisions on the subject of limitation of armaments there was the following subheading: "Rules for the control of new agencies of warfare." It seemed to him if that conference would limit, at all events in the first instance, the work of the mixed committee of experts and jurists to rules for the control of new agencies of warfare, they would be more likely to come to a speedy conclusion and much more likely to obtain a conclusion which would be unanimously adopted. He therefore suggested for the consideration of all his colleagues around that table whether that humbler but still all-important subject would not be sufficiently wide in its scope to occupy the attention of even the most powerful committee which they were able to provide for its investigation.

The chairman said that there was great force in the suggestions made by Mr. Balfour, and he, personally, had not the slightest objection to their adoption. It was not at all the intention that this proposed commission should consist of jurists who would work in disregard of the recommendations of technical experts. He supposed that the jurist representing each country would be advised very fully of all technical matters by both military and naval experts, but that when it came to the point of formulating the legal rules which should be adopted it would require the special training of jurists in order that the information and advice and proposals furnished by military and naval experts could be adequately considered and those which were adopted suitably expressed. There was not, however, the slightest objection to having the commission itself enlarged, if that would seem to be desirable. He had found, however, that when it came to a question of drafting rules, the fewer there were who were actually engaged in the work the better the prospect of success; and while each one charged with the responsibility should have all the information available and the aid of all the experts who could possibly throw light upon the subject,

a very few men competent in drafting, associated together for that purpose, could accomplish much more than a large committee.

He also felt the force of the suggestion of limiting the scope of the inquiry. That was very carefully considered when the tentative agenda was suggested, and the proposal made to which Mr. Balfour had referred.

It seemed to the chairman that the question of the method of constituting the commission and the scope of the inquiry to be intrusted to it could well be committed to the consideration of the committee on draft and the committee could await their recommendation. If that was agreeable to the delegates, he would simply assent in principle to the constitution of a commission for the purpose of dealing with the subject of rules of warfare in the light of the developments of the recent war.

Mr. Balfour said that while he was perfectly ready to have the matter referred to the drafting committee, he would like to have reservations limiting the scope of the drafting committee's work, and asked the chairman's advice as to how this result might be attained.

The chairman assumed that both of the suggestions Mr. Balfour had made should be deemed as referred to the subcommittee on drafting and that it would take those into consideration as well as others that might be advanced in the course of the discussion, and that the committee should bring in a recommendation, which could then be discussed in the light of the arguments advanced for its support.

Mr. Balfour said that would be satisfactory.

After a vote was taken the chairman announced that the suggestions as to the references to the drafting committee were unanimously approved.

Thereupon, the committee adjourned until Tuesday, January 10, 1922, at 11 o'clock a. m.

#### NINETEENTH MEETING—FRIDAY, JANUARY 27, 1922, 4.15 P. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes; for Australia, Senator Pearce. Accompanied by Mr. Christie, Mr. Bajpai.

*France.*—Mr. Kammerer.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Tomita.

The secretary general. Assisted by Mr. Pierrepont and Mr. Osborne. Mr. Camerlynck, interpreter.

1. The Nineteenth Meeting of the Committee on the Limitation of Armament was held Friday, January 27, 1922, in the Columbus Room of the Pan American Building at 4.15 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia); for France, Mr. Kammerer; for Italy, Senator Schanzer, Senator Albertini; for Japan, Baron Shidehara, Mr. Hanihara.

Secretaries and advisers present included: For the United States, Mr. Wright; for the British Empire, Mr. Christie, Mr. Bajpai; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Tomita.

The secretary general of the conference, assisted by Mr. Pierrepont and Mr. Osborne, was present. Mr. Camerlynck, interpreter, was also present.

3. The chairman (Mr. Hughes) called for any outstanding reports from subcommittees.

Mr. Root said he was instructed by the subcommittee, the five-power drafting committee, to report that they had agreed upon the following resolution:

*"Resolution for a commission of jurists.*—The United States of America, the British Empire, France, Italy, and Japan have agreed:

"I. That a commission composed of not more than two members representing each of the above-mentioned powers shall be constituted to consider the following questions:

"(a) Do existing rules of international law adequately cover new methods of attack or defense resulting from the introduction or development, since the Hague Conference of 1907, of new agencies of warfare?

"(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

"II. That notices of appointment of the members of the commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present conference, which after consultation with the powers concerned will fix the day and place for the meeting of the commission.

"III. That the commission shall be at liberty to request assistance and advice from experts in international law and in land, naval, and aerial warfare.

"IV. That the commission shall report its conclusions to each of the powers represented in its membership.

"Those powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized powers."

The chairman asked whether discussion of the resolution was desired. No discussion being desired, the delegations were polled, each voted affirmatively and the chairman announced that the resolution had been unanimously adopted.

The chairman then asked whether there was any further business.

Mr. Kammerer asked whether it would not be advisable to embody this resolution in the text of the agreement in regard to submarines and the use of poisonous gases in warfare.

Mr. Root said he thought Mr. Kammerer's suggestion might involve a little difficulty in procedure. Under the provisions regarding submarines and gas, the adherence of other powers was to be immediately requested. He thought that it would be unwise to complicate that with this other provision, under which there would be



...er a report of the commission and  
...owers, after which the adherence  
...for. Provisions which called for  
...would thus be put into the treaty, to-  
...est for immediate adherence.  
...there was nothing further to be done  
...reable to the committee, adjournment  
...soon as the Naval Treaty was in readi-  
...a meeting of the committee.  
...med. subject to the call of the chair.

**TUESDAY, JANUARY 31, 1922, 3.30 P. M.**

**PRESENT.**

...Senator Lodge, Mr. Root, Senator  
...Accompanied by Mr. Wright, Mr.

...Balfour, Lord Lee, Sir Auckland Geddes,  
...field, Sir Robert Borden (for Canada),  
...Sir John Salmond (for New Zea-  
...Accompanied by Mr. Christie, Mr.

...Accompanied by Mr. Kammerer, Mr.

...Senator Rolandi-Ricci, Senator Alber-  
...Accompanied by Count Pagliano.  
...Mr. Bruno Averardi.

...Kato, Baron Shidehara, Mr. Hanihara,  
...Uyeda, Mr. Sugimura, Mr. Ichihashi.

...Accompanied by Mr. Cresson, Mr. Pierre-  
...Camerlynck, interpreter.

...meeting of the Committee on Limitation of  
...the Columbus Room of the Pan American  
...January 31, 1922, at 3.30 p. m.

...For the United States, Mr. Hughes, Sena-  
...Senator Underwood, Admiral Coontz; for the

...Balfour, Lord Lee, Sir Auckland Geddes, Rear  
...Sir Robert Borden (for Canada), Senator

...Sir John Salmond (for New Zealand), Mr.  
...for France, Mr. Jusserand; for Italy, Senator

...Rolandi-Ricci, Senator Albertini, Vice Admiral  
...of Japan, Admiral Baron Kato, Baron Shidehara.

...secretaries and technical advisers were present:  
...Mr. Wright, Mr. Clark; for the British Em-

...Mr. Malkin, Mr. Mousley; for France, Mr. Kam-  
...for Italy, Count Pagliano, Commander Prince

...Bruno Averardi; for Japan, Capt. Uyeda, Mr. Sugi-  
...hashi.

...general of the conference, assisted by Mr. Cres-  
...and Mr. Wilson, was present. Mr. Camer-  
...interpreter) was also present.

The chairman, Mr. Hughes, said he was glad to be able to report, from the subcommittee of fifteen which had had in charge the consideration of the proposals relating to the limitation of naval armament, that a conclusion had been reached unanimously and embodied in a proposed naval treaty. He presented the treaty to the committee. It was somewhat long, and he would not attempt to read it. He assumed that it had been considered by each delegation, as it had been passed upon by the chiefs of delegations, with their experts, meeting in the subcommittee of fifteen. Of course, if it was desired by any of the delegates that the treaty should be reviewed at this time, article by article, that course would be taken. If he was right in the assumption that each chief of delegation had been over the treaty with his delegation, the chairman assumed that the committee could at once act upon it. The action he suggested was that the proposed form of treaty, as passed by the subcommittee of fifteen, which embodied the conclusions reached with respect to the limitation of naval armament, be approved and reported to the conference at the plenary session which would be held the following day. The chairman asked if that course was agreeable.

As all delegations assented, the chairman said it was so ordered.

Mr. Jusserand said:

"Mr. President, I beg leave to submit to the committee a few observations. I should have liked to have presented them some time ago, but circumstances did not permit. There were other questions that came up besides this one of naval disarmament, and it was moreover difficult to explain myself without getting the necessary documents which were not very easy to procure.

"In the course of the last few weeks the country that I have represented in America for nearly 20 years has been censured with extreme severity, and I might use another word. The letters I have been receiving, the articles I have read, the conversations in which I have taken part, all this shows that a very grave misunderstanding is persisting in the minds of many as to the ideas of France, her faith and her aspirations. Many people continue to believe that although we are poor—and we are poor for reasons of which we are not ashamed—although we are poor, that we wanted to establish a great navy composed of big warships. Nothing of the kind. We are thinking only of the future time when that might be necessary, and when we might become less poor, in order that we might resume on the high seas the rank which we have ever held.

"To which I shall add: Of the countries which we expected to approve this ambition, our great maritime neighbor was, in our opinion, to be the foremost, since there are so many chances that our fleet may prove of use to Great Britain, and none I think that it should be harmful to her. In the course of the last hundred years, three great wars have taken place in the world in which the British and French fleets participated, and in these three wars they fought side by side for the same cause. Can anything different be imagined? We do not think so, we of France. And even if our English friends adopted a different opinion, we would not change ours.

"But the chief blame aimed at us has had for its cause the question of the submarines. People continue to be persuaded that we

armed machines and want to use them chiefly grounded on remarks made publicly at the sitting of December 30; and lasting, and were very hurtful to us. The article by Commander Castex, published in the *Revue*, famous but was not before, and I had

seen that, as for the tone of the article, the author passes sweeping judgments on the Germans, and there are a number of points on which He obviously finds pleasure in upbraiding the Germans, to the French.

The article, its purpose—which could not be read to this committee—is to show the Germans and “guerre de course” under any form. The article is in actual possession of the Commander and force of her main ships. The article examines the fate of the great perturbers of the game, who thought they could win through the game. Whether they used wood or steamships, surface or submarine vessels, they failed. He examines, lacking a big fleet, they failed. He examines Louis XIV, of Napoleon the First, of the Germans and lastly of the Germans in the great war, and victory.

The quotations made from the article. The quotations made from the article, for their object, I take it, to prove against the article as a consequence against our naval authorities in France herself, four things:

1. Commander Castex is in favor of the hated submarine, the article demanded by Great Britain from motives of Castex's belief is, as I have said, that the submarine is those who hold the mastery of the seas, an article unfavorable to Great Britain. He is not, more, but that this device must continue to exist. In the article, I beg to quote an authority which certainly will not decline to accept.

2. The article, as was suggested in some quarters, and prohibit submarines altogether, is an equally foolish. It is clear that, as in the case of mines, the article would never consent to forego the right to employ the defensive weapon as the submarine. Moreover, the article is still comparatively new, and the article may entirely change the aspect of this question. The article is to insist that such subject to the same rules of warfare as any other

from the Law of Naval Warfare by J. A. Hall, International law to admirals' secretaries' course, Portsmouth, London, 1921, p. 77.

Commander Castex is charged with seeing in the submarine for France—for ungrateful, therefore, and per-

fidious France—to smash the naval power of her present ally Great Britain. Lord Lee quoted a paragraph as follows:

“Thanks to the submarine, after many centuries of effort, thanks to the ingenuity of man, the instrument, the system, the martingale is at hand which will overthrow for good and all the naval power of the British Empire.”

“Lord Lee then spoke as follows:

“I have quoted this because, as I say, they are the utterances of a responsible member of the French naval staff who at the time of writing was in a high position and was the actual head of a bureau.

“These things are known to our naval staff of course; indeed they were published to the world under the authority of the French naval staff.”

“The words ‘will overthrow for good and all the naval power of the British Empire,’ are not the words of a Frenchman, nor words that any Frenchman would approve. The quotation as given by Lord Lee began by three words indispensable for the understanding of the whole, which he did not include. They were: ‘This is the way the Germans are reasoning.’ Commander Castex was citing the point of view of the Germans, not the point of view of the French. The mistake is the more difficult to understand since not once but twice Commander Castex took the same precaution, saying on the preceding page: ‘For our enemies these ships did represent, or at least they thought so, the new engine, the technical and material up-setting that was going to make every old teaching obsolete.’

“More than that, the very title of the article leaves no doubt as to its purport. In its complete form, which had not been quoted, it reads, ‘Synthesis of submarine warfare—Characteristics of the German submarine warfare.’ If, therefore, on account of those lines of Commander Castex, cause for anxiety is found about something, it must be about the German enemies and not the French friends of Great Britain.

“Third, Commander Castex has been represented as approving of the infamous use made of submarines by Germany. All should be at a loss to understand how this claim could have been made, since the French officer expressed himself formally, clearly, and peremptorily in the opposite sense. After having said that the Germans could not be blamed simply because they used the submarine, he adds: ‘The only reproach that can be set up against them is to have too frequently and in too many particular cases, smeared their flag by conducting submarine warfare with barbarity and with an aggravation of odious acts. A useless and moreover a stupid cruelty, for it served in no way the purpose of the war and because, in the end, it turned against their own interest by raising against them the unanimous condemnation of the conscience of the civilized people of the world.’

“Am I not entitled to maintain not only that Commander Castex was not approving of these German ways and means, but that he expressly condemned them?

Commander Castex was also stated by Lord Lee to have made his own the views of Admiral Aube (a man of wild theories, whom I have well known, who, desiring the end of all wars, fancied that the ruthless use of torpedo boats would bring that to pass), but Com-

mander Castex did not approve those views, he just blamed them, a difference worth noting.

"Fourth, it has also been said that Commander Castex was probably teaching in the French naval schools the theories thus attributed to him; and it has been said in such unkind and cruel words that my heart is still bleeding at the thought of them. Those words were as follows:

"Now, this officer, who is appointed principal lecturer to the senior officers' course, will, no doubt, unless a change of policy takes place, be pouring what we regard as this infamy and this poison into the ears of the serving officers of the French navy."

"The answer to this," Mr. Jusserand continued, "is twofold and simple enough. There is no need for us to change our policy. Commander Castex can not teach what has been called that infamy, first, because he detests it; second, because his course of lectures has nothing to do with submarines; his subject being the organization of the general staff.

"The subject is so grave that I want to let you know what is actually taught in French naval schools as to the submarine and the German way of using it. The following extract will enlighten you:

"The submarine weapon has turned round against the raving maniacs who employed it and Germany's misfortune came not only from the defeat of her land armies, but in a very large measure from the incomprehension of those who, in her camp, have ordered it.

"The privateers' war is forbidden in the form which has been given it by the Germans. That the Germans may have considered the most solemn engagements as scraps of paper is their business. But it does not behoove Frenchmen to follow such shameful examples. The life of human societies, like that of men, rests on good faith, and the French have too often shown other people how loyal one should be to give up now, under the effect of surprise caused by the submarine war, give up what has been their glory in the past and may be again. I am persuaded, their force in the future."

"It has been said," continued Mr. Jusserand, "that the article of Commander Castex was well known to the British naval staff. May I express regret that such lessons as are being given by Capt. Laurent, the author of the passage I have just quoted, and the subject of whose lectures is naval strategy, have apparently remained unknown to the same staff. The lesson I quoted can not be supposed to have had anything to do with the present discussion, for it was taught on June 1, 1920, and appears in Commander Laurent's printed text, volume II, page 107.

"In conclusion, I believe I am justified in saying that neither the infamy wrongly ascribed to Commander Castex nor any other is taught or ever shall be taught in any of those French naval schools from whence come the comrades of war that have fallen of late by the side of American and British officers and those of the other allied nations; nothing of the kind has ever been taught and never shall be.

"I beg to add one word. In the session of the 23d of December the chief of the British delegation—to whom I am bound by a friendship so ancient that since we began to know each other people were born who had time to grow up and cover themselves with glory

in the course of the last war—mentioned that Great Britain alone was sufficiently equipped to combat submarine warfare, thanks to her gallant coast population, her fishermen, so expert in everything that concerns life at sea; and he said that Great Britain had used 3,676 submarine chasers, to the immense advantage of France, who had only 257, and that should the necessity ever again arise Great Britain would have to protect France again. On this point I collected information and found that at the beginning of the war all who could bear a rifle were sent to the front, and a good many of our sailors and fishermen are now sleeping their last sleep, not in the sea or along the coast, but in the trenches, facing north or east, facing Belgium and Alsace.

“When the pitiless submarine war was started by Germany we set to work and did our best to meet this new danger, helping ourselves and the common cause. We are still filled with admiration for England’s sailors. All the world knows of our feelings for those gallant and heroic men at home, on the sea; a model of all nations. From common testimony, however, our population also, our Bretons and Normans, Gascons and Provençals did creditably, and they manned in the perilous waters of western or southern Europe not 257 ships but over 1,300.

“Our British friends, who live in a country of fair play while we live in the country of ‘*franc jeu*,’ will not find it amiss if I have found it necessary to present these few remarks. It is because we attach so much value to the friendship and consideration of the great people that the British are that I have thought these rectifications indispensable.”

Lord Lee said he was not aware that the matter just discussed was to be raised at that time, and therefore he was not in a position to reply in the detailed way which might have been possible if he had had with him the relevant papers or the actual articles to which Mr. Jusserand had referred. In any case, he did not think it would be necessary, in what he had to say, to take up point by point the various criticisms which Mr. Jusserand was good enough to make of his previous speech, and which Lord Lee took, if he might say so, entirely in good part. He regarded Mr. Jusserand, of course, as fully justified in putting forward the opposite view. Still less had Lord Lee any desire to resurrect a controversy which could in any way impair the good relations which existed, and which he hoped would always exist, between their two countries.

He had to confess, however, that he was a little surprised at what seemed to him the whole-hearted and almost vehement defense which Mr. Jusserand had undertaken of the article which had been written by Commander Castax. It was true that Mr. Jusserand had said, at the commencement of his remarks, that there were certain passages with which he did not agree, but Lord Lee thought Mr. Jusserand would also admit that the burden of his speech that afternoon had been substantially a defense of the theories and the attitudes taken up by Capt. Castax in his article. He did not know whether his colleagues had all had an opportunity to read the article as a whole, but whatever might be the opinion with regard to this or that individual passage—and he would come to that in a moment—there could be no question whatsoever that the main thesis of the article, that its main purpose

was, in the first place, to point out that the characteristics of German submarine warfare, that is to say, "unlimited submarine warfare," were inevitable in the circumstances of the late war and that the critics who denounced them were really taking up an unreasonable and almost absurd position. Capt. Castex ridiculed the objections to these methods of warfare, and even went so far as to claim that they had originated on the French side of the Rhine, like, as he said, so many other good ideas which the Germans had adopted. That was the general tone and the whole tenor of the article.

He could not believe, although his knowledge of French naturally did not equal that of M. Jusserand's, that there was any other possible interpretation of the whole spirit of the article, however full it might be of paradoxical observations. He suggested that it was a very dangerous thing to indulge quite so liberally in paradoxes on such a subject as this distinguished naval authority appeared to have done. It led to ambiguities and to misunderstandings, possibly of a very serious character.

His main point was—and he was prepared, of course, if he had misrepresented any particular passage or the bearing of any particular passage—to withdraw any observation that he might have made upon it; but he did not withdraw for one moment the general feeling of condemnation and horror which he thought anyone reading the article as a whole must have felt for the views which Capt. Castex there expressed and championed. He was glad to see, moreover, that they were condemned by no one in more vigorous terms than by Capt. Castex's brother officer, Admiral de Bon, who described them as "monstrosities"—that was his phrase, if he recalled it aright; and it was almost as promptly, at any rate on the first opportunity, repudiated in the most formal manner by M. Sarraut, speaking on behalf of the French Government. It was, therefore, expressly condemned in the first place by the great service to which Capt. Castex belonged, and secondly, by the accredited representative of the French Government.

Directly that was done, Lord Lee took the first opportunity, here in this room, of accepting, in the most whole-hearted way, the repudiation by the French Government of the article and the sentiments contained in it. He further expressed the hope that the incident would be regarded as satisfactorily closed; and was so given to understand in the reply which M. Sarraut was good enough to make on that occasion.

Not having the article here, and not knowing the subject was coming up this afternoon, Lord Lee was not in a position to analyze the particular passages which M. Jusserand had just quoted, but his own view was that although some of them may possibly have been conceived in the spirit of paradox, they are also ambiguous, and that whatever might be M. Jusserand's view of them, from reading the article, Lord Lee could not conceive any doubt whatsoever as to what was in the mind of Capt. Castex, and that was that he was a whole-hearted supporter of the necessity of the German system of unlimited submarine warfare, which had been stigmatized as piracy by this conference in the formal resolutions proposed by Mr. Root.

M. Jusserand made it a further cause of offense that he, Lord Lee, suggested that Capt. Castex might be teaching these views to

which he has been appointed a principal held views of that character, which of great importance, and which were published in the representative authority of the general. In such cases to say they did not is said—it was a fair assumption that they expressed them in order to expound them to the satisfaction of his duty. Lord Lee did not think it to be the case, as it was the view of both the professional and the lay views by the Government.

Lord Lee then spoken of another matter. The submarine force had played in the late war a part like Lord Lee, had the honor of the country, could know what a great part it had played, at the most limit of her ability. Nothing could be said from his intention, or that of Mr. de Bon, the smallest reproach of France for not fulfilling her other obligations, to put forth a statement in opposition of the submarine. All knew she must be said in regard to the late controversy. The situation of the late war might occur again. In that war practically the whole burden of the submarine menace which had affected France, Great Britain, was thrown upon the latter power. Admiral de Bon saying that no one could recall the emotion the sacrifices, burdens and anxieties that had been thrown upon Great Britain as the result of that submarine menace in these circumstances, and knowing how nearly that had succeeded, he must remind France that Great Britain was in a position to do it again, and to put forth another effort to defend both France and herself. He had therefore urged, in the interest of both their countries, that the submarine menace should be suppressed altogether, because without that the situation that perilous situation might recur. This was the main, and the stated, reason for the desire of the British Empire to abolish submarines, and that was why the British Empire had regretted so deeply that France, knowing all the circumstances, should have refused their request and should have insisted upon forcing this intolerable burden upon them in a future war, if circumstances should recur. Lord Lee did not want to embark upon what might be considered a controversial reply to Mr. Jusserand about France's desire not to increase her naval armaments. He knew nothing of the desire or motives of France in that matter. All the British Empire delegation said was that as a matter of fact France was proposing to increase her existing fleet of submarines. They objected strongly to that, and they had stated their objections, and they did not wish, on this occasion, to enlarge upon them again. They, on the other hand, desired in every way to limit armament. They had reduced their own navy drastically, at this conference, and had gone further,



since the commencement of the conference, to show their good will and their desire to assist France and to relieve her from these unnecessary burdens. They had offered her a guarantee by the whole of their armed forces by land, sea, and air, to protect her against any aggression on her coasts. They had done everything that was possible in that way to show their good will and good faith, and they had desired in all these matters to work with and to assist France. Therefore, he would say as a final word, and with an apology to his colleagues for having detained them so long, that he desired from the depths of his heart to see not only maintained but improved the good relations that existed between Great Britain and her great neighbor across the Channel, and it was the desire of his country, and certainly his own desire, that no word should be said that could in any way impair that good feeling. He hoped, just as his French friends and Allies hoped, that Great Britain and France should go forward together in these matters, not only as friends and Allies, but hand in hand for the reconstruction of Europe and civilization.

Mr. Jusserand said "I shall say only one word. I note with profound satisfaction the last remark made by the First Lord of the Admiralty. With that I agree from my heart and I may assure him that all my compatriots will. But I can not admit the statement that if the submarine be preserved it is owing to France; one more of those many unpleasant things reported as having been caused by France, when such is not the case. As a matter of fact the vote against the British proposal was unanimous, including the United States, both through their delegation and their unanimous advisory committee. Lord Lee has again spoken of our intention of building a large number of submarines. We shall in reality build them or not in accordance with our needs and our means. That Commander Castex really condemned the submarine, German fashion, I can not better prove than by reading again the passage quoted a moment ago."

Lord Lee interrupted to say: "I only say he cited those special occasions as having spoiled the German case, which he otherwise thought was a good one."

Mr. Jusserand then remarked "I don't understand it that way," and continued with his speech:

"What I said of the paradoxical disposition of Commander Castex referred chiefly to his sweeping historical remarks, like those on 'perturbateurs' being represented as always mystical. I do not believe Napoleon was, nor Julius Caesar. As for the condemnation of Commander Castex by Mr. Sarraut and Admiral de Bon, both condemned what was unexpectedly quoted of him, neither knowing then the real text. But I do not desire to insist. With Lord Lee, I am ready to leave the question to the judgment of our colleagues when they have a chance of reading the whole article under discussion. Allow me to close by repeating that, of the words uttered in this controversy, the last pronounced by Lord Lee are the ones which I chiefly want to remember."

The chairman called attention to the fact that there was still one matter which, perhaps, might be passed upon that afternoon. He brought this before the committee, knowing the general desire to conclude its work and hoping to assist, if possible, in attaining that

of a proposed treaty which embodied  
 with respect to submarines and  
 the French text had received  
 the French delegation.

Nothing new, the substance  
 adopted and the for-  
 committee's conse-  
 it under furtl-  
 ps the commit-  
 session the follo-

follows:

British Empire, Fran-  
 signatory powers, des-  
 ted by civilized natio-  
 and noncombatants at s-  
 war of noxious gases at  
 treaty to this effect, at  
 (and so forth).  
 full powers, found in go-

that among the rules adopted  
 of the lives of neutrals and no-  
 the following are to be deem-  
 ed as international law;  
 shall be ordered to submit to visit and  
 before it can be seized.  
 shall not be attacked unless it refuse  
 after warning, or to proceed as direct  
 shall not be destroyed unless the crew at-  
 tacked in safety.  
 shall not be placed in safety.  
 shall not be under any circumstance  
 shall not be above stated; and if a subma-  
 shall not be in conformity with these rul-  
 shall require it to desist from attack and fre-  
 shall not be vessel to proceed unmolested.

## " II.

all other civilized powers to e-  
 powers invite statement of established law  
 at to the foregoing understanding throughout the wor-  
 be a clear public unde- which the public opinion of t  
 tals of conduct by future belligerents.  
 judgment upon

## " III.

to insure the enforcement of t  
 powers, desiring to  
 existing law declared by them with respect  
 gnatory  
 rules of  
 Dec. 128, 67-2

attacks upon and the seizure and destruction of merchant ships. further declare that any person in the service of any power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found.

“ IV.

“The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

“ V.

“The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties,

“The signatory powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and invite all other civilized nations to adhere thereto.

“ VI.

“The present treaty shall be ratified as soon as possible in accordance with the constitutional methods of the signatory powers and shall take effect on the deposit of all the ratifications, which shall take place at Washington.

“The Government of the United States of America will transmit to all the signatory powers a certified copy of the procès-verbal of the deposit of ratifications.

“The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States of America, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

“ VII.

“The Government of the United States of America will further transmit to each of the nonsignatory powers a duly certified copy of the present treaty and invite its adherence thereto.

power may adhere to the present treaty by  
 consent of adherence to the Government of  
 the United States, which will thereupon transmit to each  
 of the above named plenipotentiaries a certified copy of each instru-

ment, the above named plenipotentiaries have signed

at the city of Washington, the —— day of February,

Mr. Root stated that this was not presented for discussion at  
 the meeting had been drawn by Mr. Root, and the chairman under-  
 stood and followed the text of the resolutions precisely, except in  
 matters, such as the introduction and conclusion. If  
 the committee desired this to be held over, it would be held over. If,  
 the committee was ready to have it go in that form, it  
 would be presented at the next plenary session and that much more  
 would be out of the way.

He expressed the pleasure of the committee.

Mr. Balfour said that he was much embarrassed about this. He  
 was, of course, to the substance of all the chairman had read.  
 There was a question, however, that he would like to ask Mr. Root.  
 He asked if that would be in order and was assured that it would.  
 Continuing, Mr. Balfour said the question had been raised that  
 morning at a meeting of the British delegation, and the point was  
 that the proposed treaty seemed to be perfectly clear and satisfac-  
 tory as between the powers represented at this table. The difficulty  
 was as follows: He was afraid it was very easy to conceive a case in  
 which, for instance, one of the five powers represented around this  
 table might be at war with another signatory power having as an  
 ally some nation not agreeing to the treaty. An ambiguous and diffi-  
 cult situation would result. He would like Mr. Root's opinion upon  
 the point which seemed, at least to some of his friends, not to be with-  
 out difficulty and embarrassment. The apparent difficulty would be  
 most unthinkable. It would mean one of these countries repre-  
 sented at this table being at war with another power at the table, who  
 had an ally not represented at the table. He did not mean to press  
 the matter, but he was given to understand that that was a point that  
 was in the minds of many. He did not think it had received much  
 consideration, and as the treaty would have to run the gantlet of  
 many severe criticisms, like other treaties, he would like to know what  
 Mr. Root's advice on the point was.

Mr. Root said he thought that was one of the things which it was  
 quite impossible to provide for in the treaty. No agreement could be  
 made in the application of which questions would not arise in the fu-  
 ture. If the members of the committee were to try to guard against all  
 conceivable situations to which this agreement between them was to be  
 applied, they would make a treaty as long as the moral law. Now,  
 they were making this treaty between themselves and they must  
 assume that it would be carried out in good faith. If another power  
 that was not bound by the treaty should come along and create a  
 situation to which the treaty did not apply, then it would not apply;  
 but that would have to be determined by the conditions and the facts

attacks upon and the seizure and destruction of property shall violate any of those rules, whether or not the orders of a governmental superior, shall be liable to the laws of war and shall be liable to be brought before the military authorities of any power within which he may be found.

#### " IV.

"The signatory powers recognize the use of submarines as commerce destroyers as having been violated in the recent war, and as being universally accepted by civilized nations as a violation of the lives of neutrals and noncombatants. The prohibition of the use of submarines is universally accepted as a part of the laws of war, and that prohibition as henceforth binding upon them invite all other nations to do the same.

"The use in war of asphyxiating gases, all analogous liquids, materials, and chemicals is hereby denounced by the general opinion of the civilized world, and the prohibition of such use having been agreed to by a majority of the civilized powers.

"The signatory powers, being fully conscious of the conscience and practice of the world, agree to be bound by the prohibition, and to invite all other civilized nations to do the same.

"The present treaty shall take effect on the day when it shall be deposited at Washington.

"The Government of the United States hereby deposits with the signatory powers the present treaty, and the deposit of ratification.

"The present treaty is deposited in the name of the United States of America, and the Government of the United States.

"The Government of the United States hereby transmits to the signatory powers the present treaty, and the deposit of ratification.

be any real

signatory powers and adherent power, not afford to find

In effect, the non-signatory powers would do it not only in the great powers to which in these conditions it was of the treaty would cease. Root that it was not absolute by a special stipulation. It is desirable that the interpretation of the minutes of the committee be said would be recorded in the minutes of the committee was ready to act upon the matter at the next plenary session. It was decided that the treaty was accepted.

It was decided that the treaty was accepted, and that the committee might be held.

It was decided that the treaty was accepted, and that the committee might be held. It was decided that the treaty was accepted, and that the committee might be held.

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of Washington," corresponding to the Declaration of Declaration of London. In the same way the treaty to the Pacific might be appropriately termed the Washington treaty rather than the four power treaty or the four or some other popular name or misnomer that the news might choose. He suggested that the committee itself ought the responsibility of naming and christening its work.

The chairman said that to bring this to a point—and he did not to be considered as hurrying the committee, but he was under on to release certain delegates as soon as possible—he would me that Sir John Salmond had moved that the first treaty be ed as the "Naval Treaty of Washington," and asked if the mittee was ready to act upon it.

Senator Schanzer stated that he did not agree with Sir John Salmond's view that it was a tradition to give a name to a treaty, but that a treaty was named by the place, the date, and the parties that took part. It seemed to him there was no necessity for christening them, or at least it was not done in other countries.

The chairman said he understood that the Italian delegation voted "No" on the proposal of Sir John Salmond. (Senator Schanzer indicated that the chairman's understanding was correct.) This was a tribunal—and he had in mind a legal friend who, he knew, would like to be a member of such a tribunal—where the dissenting opinion was the prevailing opinion. He declared the motion lost. He added that whether the committee resolved or did not resolve, these treaties would be named, and all the members of the committee could do, in his opinion, was to be as good prophets as possible in trying to hit the names that the public would adopt.

The committee then adjourned subject to the call of the Chair, and the chairman asked the Committee on Pacific and Far Eastern Questions to assemble.

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#### TWENTY-FIRST MEETING—FRIDAY, FEBRUARY 3, 1922, 5.40 P. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Mr. Christie, Mr. Bajpai.

*France.*—Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Baron Shidehara. Accompanied by Mr. Hanihara, Mr. Saburi.

The secretary general. Accompanied by Mr. Cresson and Mr. Paul.

Mr. Talamon and Mr. Camerlynck, interpreters.

as they arose. He could not believe that embarrassment.

**Mr. Balfour** said that he would not pres-

Senator Schanzer stated that the Italian anxieties to which Mr. Balfour referred, raised very opportunely the question concerning the treaty in the case of war with a power which had adhered to the treaty itself. If one of the powers should find itself in war with another of the latter should be allied with a nonsignatory, it was clear that the first-mentioned power would be itself bound by the duties imposed by the treaty, signatory or nonadherent powers would be prohibited from the use of submarines, poisonous gases, &c., in their own interest, but also in the interest of the power to which it was allied. He wished to repeat that it was clear that the execution of the provisions of the treaty would be to be effective. He could agree with Mr. Balfour that it was absolutely indispensable to provide for the execution of the treaty, but it was nevertheless a question given to-day should be registered.

The chairman stated that while the minutes. He asked if the treaty and to accept it for signature. All assented, and he declared that that course would be taken. He then asked if the committee had drawn this resolution in

Sir John Salmond said he adjournment; that was what any distinguishing title or be a number of treaties, referring to them in public

The chairman said that it was inadvisable to put in the treaties would be got in course, already there was a preamble. There was the preamble to reduce the burdens of the treaty, as he supposed while it might not be the treaties by any would undoubtedly

He suggested the  
name them.

Sir John Salmon, public to name that there was any organized name, or committee, that "Naval Treaty" of War.

itation of  
Jumbus

Mr. S. C. Kato, Baron

... were present:  
... British Empire, Mr.  
... Mr. Ponsot; for  
... and; for Japan, Mr.

Mr. Cresson and Mr. Paul.  
Amerynck (interpreters)

and the following resolution

...on of the powers agreeing to  
consider and report upon the  
new agencies of warfare, that  
it upon the rules or definitions  
toxic gases and chemicals al-  
conference."

Root) had presented to the con-  
not be deemed to be a subject  
appointed with regard to rules

tion to this resolution, and added  
presented. The other delegations,  
affirmative, and the chairman an-  
swered unanimously adopted.

any other matter that any delegation. If not, the last resolution that adopted in the committee on He proposed that the minutes of all the delegations should be corrected, and that, as thus finally approved, should arrange for their publication

that the minutes would be ready  
the delegates were preparing to leave.  
that the very point of this reso-  
the delegates were leaving on Monday.  
not be ready by Monday, but that the  
especially, in their diplomatic missions  
approve the minutes.

and that it would be impossible for persons who  
things to correct the speeches.

been advised by the secretary gen-  
ates would have been distributed

the proceedings of the committee  
to how much they owed to the labors  
who was not present that afternoon,  
might speak more freely. He referred  
of the technical subcommittee which had  
and the decisions of the committee. He re-  
Perhaps he was entitled to speak of him  
had been continuously associated with him in  
successful work he had undertaken in pre-  
for the committee, and he was able to testify at  
out range to how much the committee owed to him.  
he permitted to recall the fact that when the first  
son, 25 years ago, seated in the same chair of the  
of the Navy, was another Theodore Roosevelt,  
lately unknown, who displayed the same zeal, enthusi-  
and knowledge of his duties that the present chairman  
committee had displayed. He could not help feeling that  
and the success which Col. Roosevelt had shown in this.  
his official tasks, in Washington, was of a character which  
not only bring joy and pride to his father's heart, but a  
satisfaction to all his father's old friends.  
Chairman said that he was greatly pleased at the remarks of  
Lee with regard to the work of Col. Roosevelt, and the high  
foundation which Lord Lee had given, he thought, was richly  
owed. He wished to express personally his appreciation of Col.  
Roosevelt's indefatigable and intelligent labors.  
Thereupon, at 6 o'clock p. m., the committee adjourned sine die.





## ON PACIFIC AND QUESTIONS.

WEDSDAY, NOVEMBER 16, 1921.

### PRESENT.

Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. Wright, Mr. John Van A. MacMurray.  
Baron de Cartier. Accompanied by Mr. Robert Silver-  
Wouters.  
—Mr. Balfour, Lord Lee, Sir Auckland Geddes,  
— (for Canada), Senator Pearce (for Australia),  
— (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Sperling, Sir John Jordan.  
— Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr.  
— Mr. C. Chao, Mr. W. King.  
— Mr. Briand, Mr. Viviani, Mr. Sarraut, Mr. Jusserand.  
— Accompanied by Mr. Massigli, Mr. Kammerer.  
— Senator Schanzer, Senator Albertini. Accompanied by  
Visconti Venosta, Mr. Cora.  
— Prince Tokugawa, Admiral Baron Kato, Baron Shidehara.  
— Accompanied by Mr. Hanihara, Mr. Saburi, Mr. Ichihashi.  
— Portugal.—Viscount D'Alte, Capt. Vasconcellos.  
— Netherlands.—Jonkheer Van Karnebeek, Jonkheer Beelaerts  
Blokland, Dr. Moresco. Accompanied by Jonkheer Van Stark-  
— Mr. de Kat Angelino.  
— The Secretary General. Accompanied by Mr. Seth Low Pierre-  
— Interpreter, Mr. Camerlynck.  
The Committee on Pacific and Far Eastern Questions held its  
meeting in the Columbus Room of the Pan American Union  
Building at 11 a. m., Wednesday, November 16.  
There were present: For the United States, Mr. Hughes,  
Senator Lodge, and Mr. Root; for Belgium, Baron de Cartier; for  
the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes,  
Robert Borden (for Canada), Senator Pearce (for Australia), Sir  
John Salmond (for New Zealand), and Mr. Sastri (for India); for  
China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Briand, Mr.  
Viviani, Mr. Sarraut, and Mr. Jusserand; for Japan, Admiral Baron  
Kato, Prince Tokugawa, and Baron Shidehara; for Italy, Senator  
Schanzer and Senator Albertini; for the Netherlands, Jonkheer Van  
Karnebeek, Jonkheer Beelaerts Van Blokland, and Dr. Moresco;  
for Portugal, Viscount D'Alte, Capt. Vasconcellos.

## SECRETARY TO THE COMMITTEE.

3. The Secretary General was named secretary to the committee, with authority to bring assistants to the meetings.

## SECRETARIES AND TECHNICAL ADVISERS OF DELEGATIONS.

4. It was agreed that each delegation should be accompanied by one secretary and one technical adviser. In accordance with this agreement there were present: For the United States, Mr. J. Butler Wright, secretary, Mr. John Van A. MacMurray, adviser; for Belgium, Mr. Robert Silvercruys, secretary, Chevalier de Wouters d'Oplinter, adviser; for the British Empire, Sir Maurice P. A. Hankey, secretary, Mr. R. A. C. Sperling, adviser. Later Sir John Jordan took Mr. Sperling's place. For China, Dr. P. K. C. Tyau, Mr. C. Chao, W. King (interpreter); for France, Mr. Massigli, Mr. Kammerer; for Italy, Marquis Visconti-Venosta, Mr. Cora; for Japan, Mr. Hanihara, Mr. Saburi, Mr. Ichihashi; for the Netherlands, Jonkheer Van Starkenborgh, Mr. de Kat Angelino; for Portugal, no secretary present; the secretary general, Mr. John W. Garrett, assisted by Mr. Seth Low Pierrepont; Interpreter, Mr. Camerlynck.

## RECORD OF PROCEEDINGS.

5. There was a discussion as to the advisability of having a stenographic report of the proceedings, in which the chairman, Mr. Hughes, Mr. Sze, Senator Schanzer, and Mr. Balfour took part. It was decided that the secretary general should keep a fairly full record of the proceedings and should, in consultation with the secretaries of the several delegations, draw up a résumé thereof which should be subject to the approval of each delegation. It was further agreed that any delegate should have the right at any time to call in a stenographer to take down any statement which he might make and wish to have recorded verbatim and that the secretary general should have a stenographer always available for this purpose.

## METHODS OF PROCEDURE.

6. The chairman made a statement of an informal introductory nature, suggesting the view that it was not necessary to postpone the discussion of Pacific and far eastern questions until a definite agreement had been reached regarding the limitation of armament. That in inviting the powers represented to discuss these questions it was the view of the United States that every effort should be made to reach a complete understanding thereon, and to take account of all possible sources of conflict and to use every effort to remove them. He added the suggestion that to achieve this result nothing was so important as a frank interchange of views.

He then related briefly the historic friendship of the United States for all of the countries represented and in calling attention to China's paramount interest in the subjects to be discussed, paid a tribute to the past achievements of the Chinese people and expressed the sympathy of the United States for them in the present period of transition from one form of government to another, affirming the hope that, as happened in the United States after a difficult period fol-

lowing the Treaty of 1783, a strong central government might eventually be established, and added that it did not appear to the Government of the United States that conditions as they now exist would prevent the emergence of such a government in China.

The chairman also spoke of the friendship and admiration of the United States for the people of Japan. He then expressed the view that no one in this gathering desired to set bounds to the progress or development of any other; that there should be equal opportunity for all; and that if the door were open, Japan was at the threshold.

The chairman then proceeded, without suggesting any particular course, to a brief discussion of principles and called attention to the fact that besides China other topics included in the tentative agenda he had forwarded, were Siberia, the mandated islands in the Pacific, cables, and other means of electrical communication in the Pacific. In regard to some of these he was sure the Japanese ambassador would not mind his saying that the United States had proceeded quite far in negotiations with the Government of Japan, to which the Japanese ambassador assented.

7. Mr. Sze, on behalf of the Chinese delegation, expressed deep appreciation of the friendly sentiments and sympathy for China pronounced by the chairman. He pointed out that it was only 10 years since the form of the Chinese Government was changed from one of conservatism and autocracy to a modern democracy, and that her present difficulties, which China fully realized, were but natural. He called attention to the generally admitted fact that for centuries China had been known as a pacific nation, respecting reason more than force, and expressed the hope that through participating in this conference China would aid in reaching a solution of her difficulties.

Mr. Sze then read the following statement:

"In view of the fact that China must necessarily play an important part in the deliberations of this conference with reference to the political situation in the Far East, the Chinese delegation has thought it proper that they should take the first possible opportunity to state certain general principles which, in their opinion, should guide the conference in the determinations which it is to make. Certain of the specific applications of the principles which it is expected that the conference will make, it is our intention later to bring forward, but at the present time it is deemed sufficient simply to propose the principles which I shall presently read.

"In formulating these principles, the purpose has been kept steadily in view of obtaining rules in accordance with which existing and possible future political and economic problems in the Far East and the Pacific may be most justly settled and with due regard to the rights and legitimate interests of all the powers concerned. Thus it has been sought to harmonize the particular interests of China with the general interests of the world. China is anxious to play her part, not only in maintaining peace, but in promoting the material advancement and the cultural development of all the Nations. She wishes to make her vast natural resources available to all peoples who need them, and in return to receive the benefits of free and equal intercourse with them. In order that she may do this, it is necessary that she should have every possible opportunity

to develop her political institutions in accordance with the genius and needs of her own people. China is now contending with certain difficult problems which necessarily arise, when any country makes a radical change in its form of government. These problems she will be able to solve if given the opportunity to do so. This means not only that she should be freed from the danger or threat of foreign aggression, but that so far as circumstances will possibly permit, she be relieved from limitations which now deprive her of autonomous administrative action and prevent her from securing adequate public revenues.

"In conformity with the agenda of the conference, the Chinese Government proposes for the consideration of and adoption by the conference the following general principles to be applied in the determination of the questions relating to China:

"1. (a) The powers engage to respect and observe the territorial integrity and political and administrative independence of the Chinese Republic.

"(b) China upon her part is prepared to give an undertaking not to alienate or lease any portion of her territory or littoral to any power.

"2. China, being in full accord with the principle of the so-called open door or equal opportunity for the commerce and industry of all nations having treaty relations with China, is prepared to accept and apply it in all parts of the Chinese Republic without exception.

"3. With a view to strengthening mutual confidence and maintaining peace in the Pacific and the Far East, the powers agree not to conclude between themselves any treaty or agreement directly affecting China or the general peace in these regions without previously notifying China and giving to her an opportunity to participate.

"4. All special rights, privileges, immunities, or commitments, whatever their character or contractual basis, claimed by any of the powers in or relating to China are to be declared, and all and void. The rights, privileges, immunities, and commitments now known or to be declared are to be examined with a view to determining their scope and validity and, if valid, to harmonizing them with one another and with the principles declared by this conference.

"5. Immediately, or as soon as circumstances will permit, existing limitations upon China's political, jurisdictional, and administrative freedom of action are to be removed.

"6. Reasonable, definite terms of duration are to be attached to China's present commitments which are without time limits.

"7. In the interpretation of instruments granting special rights or privileges, the well-established principle of construction that such grants shall be strictly construed in favor of the grantors, is to be observed.

"8. China's rights as a neutral are to be fully respected in future wars to which she is not a party.

"9. Provision is to be made for the peaceful settlement of international disputes in the Pacific and the Far East.

"10. Provision is to be made for future conferences to be held from time to time for the discussion of international questions relative to the Pacific and the Far East, as a basis for the determination of common policies of the signatory powers in relation thereto."

8. The Chair suggested that as this matter was of such importance it might be fitting to reserve it for further discussion until after there had been time to study it.

There followed a discussion of procedure in which the chairman, Mr. Balfour, Sir Robert Borden, Mr. Koo, Senator Underwood, Senator Lodge, and Senator Schanzer took part, Mr. Koo suggesting that there should be an opportunity for discussion by the full committee before general questions were referred to subcommittees.

The following procedure was adopted:

(a) The heads of delegations were appointed a subcommittee to consider the arrangement of the different topics relating to the Pacific and the Far East and to make recommendations to the general committee as to their classification and the order in which they should be discussed.

(b) A general discussion of topics might be had at the next meeting, should the committee of the whole so decide at that time, without entering into details, and in this way certain topics might be found to be already agreed upon.

(c) Technical experts were not to decide any questions of policy relating to matters that might be referred to them in subcommittees, but were merely to supply information and settle questions of fact.

(d) The heads of delegations should arrange the time for their own meeting and should thereafter advise the Chair when to call the next meeting of the committee of the whole.

The meeting then adjourned subject to call by the Chair.

## SECOND MEETING—SATURDAY, NOVEMBER 19, 1921, 11 A. M.

### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Robert Silvercruys, Chevalier de Wouters.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. P. K. C. Tyau, Mr. C. Chao, Mr. Zee.

*France.*—Mr. Briand, Mr. Viviani, Mr. Sarraut. Accompanied by Mr. Massigli, Mr. Kammerer.

*Italy.*—Senator Schanzer, Senator Ricci, Senator Albertini. Accompanied by Marquis Visconti Venosta, Mr. Cora.

*Japan.*—Admiral Baron Kato, Prince Tokugawa. Accompanied by Mr. Hanihara, Mr. Saburi, Mr. Ichihashi.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland. Accompanied by Jonkheer Van Starkenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount D'Alte, Capt Vasconcellos.

The secretary general. Accompanied by Mr. Osborne.

Interpreter, Mr. Camerlynck.

1. The Committee on Pacific and Far Eastern Questions held its second meeting in the Columbus Room of the Pan-American Union Building, at 11 a. m. Saturday morning, November 19, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Briand, Mr. Viviani, Mr. Sarraut; for Italy, Senator Schanzer, Senator Ricci, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa; for The Netherlands, Jonkheer Van Karnebeek, Jonkheer Beelaerts Van Blokland, Dr. Moresco; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. Secretaries and Advisers present included: For the United States Mr. Wright, Mr. MacMurray; for Belgium, Mr. Silvercruys, Chevalier de Wouters; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for China, Dr. Tyau, Mr. Chao, Mr. Zee; for France, Mr. Massigli, Mr. Kammerer; for Italy, Marquis Visconti Venosta, Mr. Cora; for Japan, Mr. Hanihara, Mr. Saburi, Mr. Ichihashi; for the Netherlands, Jonkheer Van Starkenborgh, Mr. de Kat Angelino. The secretary general, assisted by Mr. Osborne, was present. Mr. Camerlynck (interpreter) was also present.

#### REPORT OF SUBCOMMITTEE.

4. The chairman, Mr. Hughes, reported that the subcommittee of the heads of delegations, appointed to consider the appropriate order of procedure on Pacific and Far Eastern questions, had met on Thursday; the subcommittee had given extended consideration to the question of procedure and had noted that the Chinese proposals, with two or three exceptions, presented subjects which could be discussed under the headings of the agenda, and therefore recommended (1) that an opportunity should be given for a general discussion, without assigned limits, for the presentation of such views as any member of the committee desired; (2) that thereafter the committee should proceed to the discussion of the topics listed in the Agenda prepared by the United States; this would furnish an opportunity for the discussion of the Proposals made by the Chinese delegation, under the headings to which they respectively related; Nos. 9 and 10 of the Proposals did not appear to fall specifically under any agenda topic but no objection existed to their consideration at any time during the detailed discussion. The chairman added that the committee could, of course, take up at any time any matter it desired.

The chairman further stated that the subcommittee was of the opinion that an agreement could perhaps be more quickly arrived at through a general discussion; specific matters demanding special attention could be given to a subcommittee of experts, formed for that purpose, who could be appealed to for advice as to facts; it had, however, been decided that progress could not be made if questions of principle involving responsibility were referred to such subcommittees. Rather than endeavor to select and discuss the topics most easily agreed upon, it appeared preferable to go as far

as possible with each topic in turn, setting aside difficult points for special treatment, because under each topic there would undoubtedly be found points of accord and points of disagreement. To sum up, the subcommittee recommended (1) that the committee should proceed with the general discussion of matters concerning Pacific and Far Eastern questions, whether related to the Chinese proposals or otherwise; (2) that the topics on the agenda should next be taken up in order; and (3) that, in the detailed discussion of the Agenda, agreements in principle should be sought, and points not readily agreed upon set aside for such special treatment as might be considered best.

#### REPORT OF SUBCOMMITTEE ADOPTED.

5. The report of the subcommittee, as set forth by the chairman, was adopted by general consent and the chairman declared that the general discussion was in order.

#### GENERAL DISCUSSION OF CHINESE PROPOSALS.

6. Admiral Baron Kato then made the following statement:

"1. It seems to the Japanese delegation that existing difficulties in China lie no less in her domestic situation than in her external relations. We are anxious to see peace and unity re-established at the earliest possible moment, but we want to avoid all action that may be construed as an intervention in the internal affairs of China. All that this conference can achieve is, it seems to us, to adjust China's foreign relations, leaving her domestic situation to be worked out by the Chinese themselves.

"2. The Japanese delegation wishes to assure the Chinese delegation and the whole conference that Japan has every desire to cultivate the happiest relations with China. We are solicitous of making whatever contributions we are capable of toward China's realization of her just and legitimate aspirations. We are entirely uninfluenced by any policy of territorial aggrandizement in any part of China. We adhere without condition or reservation to the principle, 'the open door and equal opportunity' in China. We look to China in particular for the supply of raw materials essential to our industrial life and for foodstuffs as well. In the purchase of such materials from China, as in all our trade relations with that country, we do not claim any special rights or privileges, and we welcome fair and honest competition with all nations.

"With regard to the question of the abolition of extraterritoriality, which is perhaps one of the most important questions proposed by the Chinese delegation, it is our intention to join with other delegations in the endeavor to come to an arrangement in a manner fair and satisfactory to all parties.

"We have come to this conference not to advance our own selfish interests; we have come to cooperate with all nations interested for the purpose of assuring peace in the Far East and friendship among nations.

"3. The Japanese delegation understands that the principal object of the conference is to establish in common accord policies and principles which are to guide the future actions of the nations here represented. Although we are ready to explain or discuss any problem which in the wisdom of the conference is taken up, we



should regret undue protraction of the discussions by detailed examination of innumerable minor matters."

Mr. Sze asked whether the Chinese delegation could be furnished with a copy of Admiral Kato's statement; Admirable Kato responded in the affirmative. The chairman stated that the general discussion opened by Admiral Kato in this most happy manner might be continued.

Mr. Briand said that France, which has a common frontier with China about 1,500 kilometers long, regarded with the greatest approval any action which might permit that great country to recover its equilibrium under a democratic rule which would give to the Chinese, as to the other nations, all desirable guarantees. The French delegation was therefore ready to look upon the body of the Chinese claims in the most favorable spirit, but M. Briand deemed that, if the conference aimed at a practical result, it would be necessary to take up the questions one after another. The greater number of the items of the Chinese claims, indeed, deserved a general discussion, each on its own merits. Thus, for example, the principle of the territorial integrity of China, which France, on her part, fully accepted, had significance only if a definition of the boundaries of China were first determined upon. This was sufficient to show the necessity of proceeding methodically and of endeavoring to reach a common resolution on each point.

Baron de Cartier then read the following statement:

"I believe it advisable to briefly point out the spirit in which Belgium takes up the examination of the questions relating to the Far East.

"She is happy to subscribe to the noble sentiments that inspired the words of the Secretary of State at the opening session of the work of our committee.

"Insofar as China is concerned, my country has for many years maintained important relations with her, and has been among the first to contribute to the development of the natural resources of China through the large part she has taken in the construction of its railroad system; she has also established there industrial and financial enterprises of importance.

"The personal experience that I have been able to acquire through sojourns in China during the past 25 years, the evidence of the progress that she has made during that period, the manner in which she has been able to overcome her internal crises, inspire me with great confidence for her future.

"Belgium will take part willingly in all the measures that this conference may adopt to insure the territorial integrity of China and to furnish her with the means to overcome her present difficulties. She is convinced that the strengthening of governmental power is the necessary condition of all progress and of the fruitful application of such rules as this conference might lay down in accord with the Government of the Chinese Republic.

"Belgium will unreservedly be in favor of the policy of the open door. She desires to see assured to the industry and commerce of all the nations the possibility of sharing, on a footing of complete and genuine equality, the development of the resources of China to the greatest benefit of the Chinese people and of all humanity.

"She has heard with satisfaction the statement of the representatives of the Chinese Republic that that country is ready to apply the policy of commercial liberty in all parts of its territory without exception. This commercial liberty will not produce its full effect unless the nationals of the powers obtain the rights and privileges which are a necessary condition of the full development of economic interests.

"Belgium, in accord with the powers concerned, is ready to consent to a fair increase in the customs duties.

"She will align herself willingly on the side of the countries which are disposed to accept the gradual abandonment of their rights of jurisdiction as soon as the Chinese Government shall have completed the work that it has undertaken and shall be in position to give assurance of the many guarantees that the proper administration of the law demands."

Jonkheer van Karnebeek stated that, in the present phase of the discussion, there was not much for him to say of a general character and at the same time of material importance; he wished, however, to seize the occasion to say as the representative of one of China's neighbors that the Netherlands delegation would be happy to consider the principles which China has laid down and the problems themselves from the standpoint of the world's general welfare and to examine them in a spirit of sympathy and friendship toward China. Holland, Jonkheer van Karnebeek said, had old friends along the shores of the Pacific; China knew that she was one of them; if China should avail herself of the opportunity now afforded by this conference to assert her rights, to declare here position, and to define her wishes, she might count on Holland's good will and its willingness to aid her in the realization of legitimate aspirations and in her endeavors toward a consolidation and stabilization of her domestic affairs which were connected with the problems affecting the Pacific.

Mr. Balfour said that he thought it unnecessary to add one word to what had been said by his colleagues in regard to the question of a general order which had been raised. His reason for saying this was that he had nothing to add to the frequent declarations of the Government he had the honor to represent on all these questions; for example, the "open door" in China, the integrity of China and the desirability of leaving China to work out its own salvation and to maintain control over its own affairs, and of substituting, when circumstances warranted, the normal processes of law for extraterritoriality; all these principles had been formulated over and over again in explicit terms by the Government which he represented.

Senator Schanzer said he had the honor to state in the name of the Italian delegation, that they fully subscribed to the noble sentiments expressed by the speakers who had preceded him. The Italian delegation, he said, was ready to examine, together with the other delegations, with the greatest care and in a spirit of sincere sympathy the questions relating to China. It would give its support to the solutions that should appear to be best suited to assure the free development of China and to guarantee an equality in foot-

ing of the different nations in their efforts to promote the progress of China and of commerce with that country.

Viscount d'Alte said that the Portuguese delegation saw with pleasure that the Delegates of the other nations represented at the conference had expressed nearly identical views as to the desirability; in the interests of all, of a prosperous and united China; he gladly associated himself with his colleagues in the expression of this desire.

Mr. Sze expressed on behalf of the Chinese delegation his sincere appreciation for the united sympathy and friendship of the delegations here for China and her proposals. Of course, many of the proposals would be considered in connection with their application; he desired to reserve to the Chinese delegation the right of discussing them in detail then. But he was sure that the friendly sentiments as expressed and the general spirit of accord thereby presented would be greatly conducive to the success of the conference.

#### PROPOSED RESOLUTION TO EMBODY EXISTING AGREEMENTS.

7. Mr. Root said he was quite in agreement with the opinion of the Portuguese minister, that a mere expression of principle was not, of itself, of the highest value; however, he believed it was the necessary first step toward accomplishing the result which evidently all wished to accomplish in regard to China. He said that perhaps he might have a personal predisposition on account of having been a colleague of Secretary Hay, in President McKinley's Cabinet, at the time he (Secretary Hay) pronounced in favor of the "open door"; he was immensely pleased at the unqualified affirmative agreement of the Powers to that principle. As he sat listening to the expressions from the various delegations, he had been considering how to arrive at an expression of the points covered. It appeared, he said, (1) that all were agreed to respect the independence and territorial and administrative integrity of the Chinese Republic; (2) that all were agreed to follow a policy tending to secure to her the fullest possible opportunity to develop an effective form of government for herself, under the new conditions created by her abandonment of the old imperial form of government; (3) that all were agreed that there should be an equality of opportunity for the commerce and industry of all nations throughout China.

But anyone who had studied questions relating to the Far East and the Pacific knew that these same things had been repeated over and over again; they were repeated in 1902, 1905, and 1911 in the treaties between Great Britain and China; in the agreement of 1907 between France and Japan; in 1905 at Portsmouth and in 1908 in the agreement known as the Takahira-Root agreement; they were the settled policy in the community of civilized nations, and he thought it would be useful to restate these principles all together; if the committee would agree, he would try to formulate them in a single resolution for future consideration. Two things, he believed, should be said in immediate connection with any such resolution: (1) In regard to the effect of such a resolution on existing treaties or agreements, it was plain that existing facts should be recognized and that the agreement to be framed, as an expression of the common purpose, should make clear that

there was no intention of interfering with valid treaties and agreements found, upon examination, to have created existing rights, always leaving to the possessors of these rights, however, the power of making changes in them for the benefit of China; but these limitations on China should be known. (2) Mr. Briand had asked what is China? Mr. Root believed it was desirable to distinguish between China proper and the territories over which China exercised suzerainty; he suggested taking China proper, for if the committee had to deal with outlying districts at the same time, it would only lead to confusion; it would be possible to deal with the outlying districts later; it was impossible to do both at once: if it pleased the committee, he would be glad to present a resolution in regard to China proper.

Mr. Balfour said he merely wished to ask if it would be in order and proper for him to say that he was in the fullest accord with the practical suggestion made by Mr. Root that he should make himself responsible for drafting the resolutions which were destined to provide the basis for the committee's further labors. No one was so competent as Mr. Root for this task. He would therefore like to propose the formal acceptance of Mr. Root's offer by the committee. His labors would constitute a real advance toward the solution of the problems with which it was the committee's business to deal.

Mr. Root said that his proposition was to do it, or to get someone else to do it.

The chairman thought it was the consensus of opinion that Mr. Root should do it.

Mr. Koo said that his purpose in rising to speak was to associate himself with the sentiments expressed by Mr. Balfour that no better qualified man than Mr. Root could be found at the table to undertake the drafting of the proposed resolutions. He was all the more pleased with the suggestion, as it would facilitate the work and progress of the conference.

His colleague, Mr. Sze, had expressed appreciation for the friendly and sympathetic attitude of the other speakers toward China, and Mr. Koo wished to extend this expression to Mr. Root for his sympathetic words and desire to help.

Mr. Koo said that Mr. Root's reference to the agreement of the conference upon the three principles of the territorial and administrative integrity of China, the safeguarding of equal opportunity in the commerce and industry of China, and the identification and examination of the existing agreements relating to China was gratifying. He was, however, not certain whether he had understood Mr. Root's thought correctly as to the question "What is China?" The confirmation of the principles of the territorial integrity should not be confined to China proper, as appeared to have been intimated. The territories of the Chinese Republic were defined in its Constitution. The Chinese delegation could not discuss any question which might give the impression of attempting to modify the territorial boundaries of China. It was in the name of the Chinese Republic that he and his colleagues were participating in the discussion, and the territories of the Republic were to be considered as an entity.

As regards the point of administrative integrity, there was some difference in the existing status of administration in the different parts of the Chinese Republic. Generally speaking, the administration of China proper formed one unit and that of the other parts of the Republic formed other units. But this was an internal arrangement within the Republic and, so far as the outside world was concerned, it would appear clear that the principle of administrative integrity should be confirmed for the Chinese Republic as one unit. Mr. Koo expressed the hope that Mr. Root, in drafting his resolution, would take these observations into consideration.

Mr. Root replied that he could well understand that his colleague, Mr. Koo, felt bound by the Chinese constitution and did not feel at liberty to consider any other definition of China than that contained therein; he, however, was speaking not as a citizen of China, or as one bound by its constitution; he had made his suggestion in the hope that the committee would not become involved in questions it had no jurisdiction to decide; what he thought the committee should aim at was something to help China; that it should remain upon ground which was not controversial. In regard to the resolution, he would be responsible for it; he had nothing in writing at the time, but would have something to present in the future.

Mr. Koo said that he was glad to hear Mr. Root's reassuring statement. The thought which he had wished to make clear was that, in confirming by resolution the principle of the territorial integrity of China, not "China proper" alone, which the Chinese people always understood to mean the 22 Provinces, but all the territories of the Chinese Republic should be taken as a basis. The territorial integrity of the Republic was not to be put in question, but merely to be confirmed again. In other words, the territories of the Republic were to be taken as a whole. And, if, in Mr. Root's mind, to use the term "China proper" was merely to indicate the difference in the administrative control between the Provinces and the outlying territories which equally belonged to the Chinese Republic, i. e., between the different parts of the same Republic, Mr. Koo did not desire to make any further remarks.

The chairman remarked that there might be as much difficulty in dealing with the question: What is the resolution? as in dealing with the question: What is China? As he understood it, what Mr. Root had in mind was that the committee should now endeavor to ascertain to what degree an agreement might be reached, by a statement, or re-statement of principles already expressed by everyone present; he believed it might be a mistake to fail to take advantage of this opportunity, before proceeding to the discussion of concrete subjects; he did not wish to minimize the difficulty of Mr. Root's task; the widest area of accord was desired, not in order to prejudge the determination of questions, but to advance a common agreement; it was profitless to discuss the terms of the proposed resolution; it should be drafted and introduced; in the meantime it might be well to pause until it was received; thereafter the committee could proceed with the other matters on the agenda. The chairman then suggested Monday, November 21, 1921, 4 p. m., as the time for the next meeting.

## STATEMENT FOR THE PRESS.

8. In regard to the press, the chairman said that it was understood that each delegation could make public its own statement; the head of each delegation should inform his secretary what it was desired to have given out; he believed it was probably better not to release anything in regard to the resolution which Mr. Root had been asked to prepare; the communique to the press would consist of such remarks as the various delegates chose to make public, along with the statement that after a general discussion the meeting had been adjourned.

9. The meeting then adjourned (12.50 p. m.) until Monday, November 21, 1921, 4 p. m.

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 THIRD MEETING—MONDAY, NOVEMBER 21, 4 P. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Silvercruchs, Mr. Cattier.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice P. Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. Tyau, Mr. Chao, Mr. Zee.

*France.*—Mr. Briand, Mr. Viviani, Mr. Sarraut, Mr. Jusserand, Accompanied by Mr. Massigli, Mr. Kammerer.

*Italy.*—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosti, Mr. Cora.

*Japan.*—Admiral Baron Kato, Prince Tokugawa. Accompanied by Mr. Hanihara, Mr. Saburi, Mr. Ichihashi.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. E. Moresco. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

The secretary general. Accompanied by Mr. Pierrepont. Mr. Camerlynck, interpreter.

The Committee on Pacific and Far Eastern Questions held its third meeting in the Columbus Room, Pan American Union Building, at 4 p. m., Monday, November 21, 1921.

There were present: For the United States, Mr. Hughes (chairman), Senator Lodge, Mr. Root, Senator Underwood, accompanied by Mr. Wright and Mr. MacMurray; for Belgium, Baron de Cartier, accompanied by Mr. Silvercruchs and Mr. Cattier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India), accompanied by Sir Maurice P. Hankey and Mr. Lampson; for China, Mr. Sze, Mr. Koo, Mr. Wang, accompanied by Mr. Tyau, Mr. Chao, and Mr. Zee; for France, Mr. Briand, Mr. Viviani, Mr. Sarraut, Mr. Jusserand.

accompanied by Mr. Massigli and Mr. Kammerer; for Italy, Senator Schanzer, Senator Rolandi Ricci, Senator Albertini, accompanied by Marquis Visconti-Venosta and Mr. Cora; for Japan, Admiral Baron Kato, Prince Tokugawa, accompanied by Mr. Hanihara, Mr. Saburi, and Mr. Ichihashi (interpreter); for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. E. Moresco, accompanied by Jonkheer van Starkenborgh and Mr. de Kat Angelino; for Portugal, Viscount d'Alte, Capt. Vasconcellos. The secretary general, accompanied by Mr. Pierrepont. Mr. Camerlynck, interpreter.

#### MINUTES.

1. The chairman, Mr. Hughes, inquired if the minutes of the last meeting were satisfactory. There being no objection, he declared they would be considered approved.

#### POSITION REGARDING CHINA.

2. The chairman then announced that a point had been reached where it seemed desirable to form a definitive statement regarding the position of the powers represented with regard to China, and that Mr. Root had been charged with putting into form what was believed to be the sentiment of the committee.

3. Mr. Root stated that he had prepared a very brief series of proposals in the form of a resolution by the committee, covering the points on which all seemed to be in agreement, to be, so far as adopted, a part of the conclusions of this body; that the resolution was intentionally limited—

(1) To express the statements made by the representatives gathered here;

(2) To follow the terms of the various steps and declarations made in a scattering way by this country and that at various times.

#### MR. ROOT'S REMARKS INTRODUCTORY TO RESOLUTION WITH RESPECT TO CHINA.

He added that there was, therefore, nothing new contained in it: it being rather a résumé drawn to form a united expression on points already covered. Mr. Root felt it was, on the whole, desirable to adhere to the use of terms already frequently employed in various treaties and declarations, without variation. Such agreements have uniformly used the expression China. He did not think any attempt should be made to define or expand terms and therefore used the expression China, thus obviating any difficulty such as Dr. Koo had found the other day on account of the constitution.

#### RESOLUTION DRAFTED BY MR. ROOT.

4. Mr. Root then read the resolution, as follows:

"It is the firm intention of the powers attending this conference:

"(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

"(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable

government, overcoming the difficulties incident to the change from the old and long-continued imperial form of government.

"(3) To safeguard for the world, so far as it is within our power, the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

"(4) To refrain from taking advantage of the present conditions in order to seek special rights or privileges which would abridge the rights of the subjects or citizens of friendly states and from countenancing action inimical to the security of such states.

On concluding, he said he hoped these considerations would meet the approval of the committee, adding that they did not appear to go any further than nearly all of the nations represented here had already gone.

5. The chairman announced that this draft resolution was now presented for discussion.

6. Mr. Sze, desiring clarification, asked Mr. Root if in Clause I the word respect included the idea observe. He had received the copy only as he entered the room, and desired that the entire delegation should have the opportunity to consider the whole resolution.

#### DISCUSSION OF CLAUSE I.

He also took this occasion to thank Mr. Root for drafting this resolution, and to say that the Chinese delegation appreciated the spirit that had guided him in its preparation.

7. Mr. Root replied that he regarded the word "respect" as rather stronger than the word "observe," stating that it made it really a declaration of the rule by which each signatory power would be guided in its individual conduct; that it would not import affirmative action; that it did not import interference by one country with another; that it did import what each one of the countries would do.

8. Admiral Baron Kato asked the meaning of the phrase "administrative integrity" as used in the proposed resolution. He desired to know if this referred to political independence, and was not intended to touch upon interests or privileges which in the past had been granted to various countries.

9. Mr. Root took the inquiry of Baron Kato to refer to the meaning of the words "administrative integrity" with reference to their effect upon privileges that had already been granted. He replied that this phrase certainly did not affect any privileges accorded by valid or effective grants; that, on the contrary, respect for the administrative integrity of a country required respect for the things that are done in the exercise of its full sovereignty by an independent State.

10. Mr. Balfour said that, in other words, it was understood that this in no way barred the committee, in the future discussion, from leaving things as they were or modifying them. For example, in such matters as extra-territoriality or customs arrangements, the committee was not barred from making changes, nor required to make them. The committee would take things as it found them, and on this basis would enter upon the discussion of whatever might be desirable.

11. Mr. Root concurred.



12. Mr. Koo said that, after having heard the remarks of Mr. Root and Mr. Balfour, it was clear that, while the first resolution would take the status quo as a point of departure, it was not intended to maintain and still less to perpetuate the existing conditions, and would in no way preclude the possibility of removing certain limitations now existing, which impaired the enjoyment of full sovereignty and administrative integrity by China.

13. The chairman declared that it was not contemplated to preclude discussion of any question relating to China; that China was a sovereign and independent State, and had her administrative autonomy except as limited by restrictions which may have been placed upon it through valid engagements; that it might be possible for the committee to remove or modify some of these restrictions, but that those would be particular questions. He then inquired if there were any further questions on Clause I, adding that, if not, Mr. Balfour desired to ask a question regarding Clause II.

14. Jonkheer van Karnebeek desired to put a question of a general nature about the character of the document under consideration; namely, whether it was intended as a working basis, to clarify the existing situation and to bring the committee down to business, or as a draft of an eventual declaration or agreement between the powers. He inquired if that were the case, whether it was contemplated that such an eventual declaration would create obligations between the powers as among themselves, or simply between each vis-à-vis China; and, further, what would be the position of each of the powers should China's sovereignty or administrative integrity be threatened by some power in the future? He observed that precise information on this point was desirable, but that if this were not the proper time, in the opinion of the chairman, to raise the question, he would bring it up again later.

15. The chairman replied that perhaps the committee should not anticipate at this moment the question of what agreements might issue from this conference, and stated that the effort now was simply to take the sense of the committee in order that some progress might be recorded. He explained that it had seemed possible to gather up into one resolution the statements and declarations which had been made regarding China, and to use such a resolution as a basis from which to proceed. He added that were this resolution accepted, it might then, if desired, be presented to a drafting committee; that it was not a convention, but a resolution by the committee.

16. Mr. Viviani wished to be informed what distinction this document established between the past and the present, as it seemed to draw a line of demarcation between the two. All the powers were agreed to respect the integrity of China. In the past certain treaties had been concluded, certain contracts had been entered into. He inquired if it was understood that these treaties and contracts were to remain in force, and that they were not necessarily subject to revision. He understood that situation would be as follows: As to private contracts, and in conformity with the legislation universally adopted, they could not be infringed upon. As to treaties and agreements concluded between Governments, they were neither annulled nor automatically submitted to revision; they might, however, be revised in certain cases by agreement between China and the powers

whether this agreement were between China and a single power, or between China and all the powers represented at the conference. Mr. Viviani wished to be informed whether there was complete agreement on this point.

#### CHINA'S TARIFF.

17. Mr. Root replied that this paper did not contemplate a treaty, or an expression to China; but rather, written together, an expression of views between the powers other than China, of the same character already seen in the various exchanges of notes and declarations; an expression of present intention and purposes, with the desire to learn where the nation represented stood together as the result of these various scattered statements and declarations, and not to make a contract. Mr. Root continued to explain that it was based upon recognition of the sovereignty and integrity of China, which we have all had repeatedly declared. This involved the power and authority of China to make agreements. So far as China had freely made agreements, grants, or treaties, respect for her sovereignty required respect for her valid and responsible acts. It did not apply to any wish any of the delegates might have to modify any of those agreements, not by depriving her of any of her rights or authority as a sovereign State, but by applying to them the general wish to aid China. This did not prevent the possible fulfillment of the committee's desire to help China by modifications in her favor; for example, China had made a series of agreements regarding customs duties. Personally, Mr. Root was much in favor of increasing the tariffs which she might charge. She had limited herself to 5 per cent. Now the recognition of China's administrative integrity involved respect for those limiting treaties. In Mr. Root's opinion all should agree to assist China by permitting her to modify these treaties by increasing the limit upon the customs duties, and so to enlarge her revenues.

#### ROOT RESOLUTION. DISCUSSION OF CLAUSE II.

18. Mr. Balfour asked permission to raise a question in connection with the following words in the last two lines of Article II: "overcoming the difficulties incident to the change from the old and long-continued imperial form of government."

One of his colleagues in the British Empire delegation had pointed out that these words might be interpreted as an expression of preference for one form of government rather than another. He thought that he and his colleagues in the British Empire delegation were all in favor of the Republic in preference to the old autocratic régime, but they were opposed to any interference with the decision of the Chinese people themselves as to the form of government under which they might prefer to live. He was not sure that the words were necessary, and thought they might possibly lead to difficulties. The point was one of drafting rather than substance.

19. Mr. Root agreed that the words were not necessary. It had not occurred to him that they expressed any opinion with regard to one form of government or another; they referred simply to a change that had been made. He then spoke briefly about the diffi-

culties other countries had had to face after making a decided change from a long-established form of government, adding that the intention was to reach an agreement to help China have her chance, but that he was perfectly willing to take out those words.

The words were then stricken from the draft.

20. The chairman stated that if there were no further remarks on Clause II, Clause III would be considered.

#### THE RESOLUTION. CLAUSES III AND IV.

21. Senator Schanzer desired to ask information with regard to Clauses III and IV. As to No. III: He believed the phrase "so far as it is within our power" weakened the expression of the will of the powers for perfect, equal opportunity, and suggested that they be omitted. With regard to Clause IV: He thought a distinction should be made between demands which might abridge rights already existing, and demands for new concessions. He gave it as his opinion that Clause IV did not exclude such demands, but desired to know if, under its provisions, it would be possible for a country to ask for a concession under the present circumstances.

A discussion of Clause III followed.

22. Mr. Root answered that the expression "so far as it is within our power" was intended to limit the expression of intention strictly to the individual competency of each of the powers; to make it certain that no nation was attempting to do anything outside of its competency. Continuing, he stated that the series of declarations began with the different powers having spheres of intimacy in China, in response to the appeal of Secretary Hay, in 1899, asking those powers having spheres of interest to agree, (1) that each power having such sphere of interest would not interfere with the treaty rights of others on leased territory; (2) that the Chinese tariff of the time being should apply to all ports within such spheres, and to all commodities; (3) that each power should agree to equality of harbor dues and railroad rates in all such spheres of interest. The phrase questioned by Mr. Schanzer did limit the expression, according to Mr. Root, but he believed rightfully so and approved of it.

#### ROOT RESOLUTION. CLAUSE III AMENDED.

23. Mr. Balfour said that such being the case, he ventured to ask Mr. Root whether his policy would not be better served by amending the wording to read as follows: "To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China."

24. This amendment was accepted.

25. Discussion on Senator Schanzer's question with regard to Clause IV was then taken up.

#### ROOT RESOLUTION. CLAUSE IV DISCUSSED.

26. Mr. Root said that this clause would in no way interfere with Senator Schanzer, or himself, going to China and seeking a concession, because it referred especially to concessions that would abridge

the rights of others and it was intended that no one should undertake to destroy the rights others had already acquired.

27. There followed a discussion of the word "abridge," Mr. Salmond inquiring whether it meant to infringe.

Mr. Root defined it as meaning to reduce, or diminish, a right by infringing or by procuring a right destructive of another's existing or future rights.

28. The chairman explained that to "abridge the rights" did not refer exclusively to a particular vested right of an individual, because nations had treaties authorizing them or their citizens "to acquire further rights"; that it was broader and went beyond that particular case, having to deal with cases where there were rights guaranteed by China and protected by these treaties; that any attempt to obtain rights for one power that would detract from rights already vested in the nationals of another power, by some valid engagement with the Government of China, would constitute an effort to abridge.

29. Mr. Balfour understood from Mr. Root that Clause III dealt with the principle of "the open door," and Clause IV with special rights acquired by this or that individual in China. He also gathered that the idea was to prevent any Power from interfering with any rights already given to individuals or States. If that were so, it seemed to him that the language was accurate and adequate. He did not, however, quite understand the meaning of the word "security" in the last line, i. e., how the "security" of any State would be affected.

After an explanation by Mr. Hughes, Mr. Balfour withdrew this latter criticism.

30. The chairman inquired whether anyone desired to raise any further objection, and observed that the corrections already made were these: In Clause II, to omit the words following the words "stable government"; and in Clause III, to change the wording of the first lines by substituting for "to safeguard for the world, so far as it is within our power," the words, "to use their influence for the purpose of effectually establishing and maintaining."

31. Mr. Koo suggested that it would be preferable not to mention China among the declaratory powers, but to have the introductory sentence read as follows: "It is the firm intention of the powers attending this conference, hereinafter mentioned, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal."

32. This amendment was adopted.

33. There being no further objection, the chairman suggested that he call upon each delegation to ask whether it approved of the resolution as corrected.

34. Each delegation was called, and all unanimously approved.

35. The form in which the resolution was finally adopted is as follows:

"It is the firm intention of the powers attending this conference hereinafter mentioned, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal:

"(1) To respect the sovereignty, the independence and the territorial and administrative integrity of China;

"(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

"(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

"(4) To refrain from taking advantage of the present conditions in order to seek special rights or privileges which would abridge the rights of the subjects or citizens of friendly States and from countenancing action inimical to the security of such States."

36. It was decided to make the resolution public forthwith.

37. The meeting adjourned at 6 p. m., to meet on Tuesday morning, November 22, at 11 o'clock.

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#### FOURTH MEETING—TUESDAY, NOVEMBER 22, 11 A. M.

##### PRESENT.

*United States*.—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium*.—Baron de Cartier. Accompanied by Mr. Silvercruys. Mr. Cattier.

*British Empire*.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*France*.—Mr. Briand, Mr. Viviani, Mr. Sarraut. Accompanied by Mr. Massigli, Mr. Kammerer.

*China*.—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. Tyau, Mr. Chao, Mr. Zee.

*Italy*.—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini. Accompanied by Mr. Cora, Mr. Fileti.

*Japan*.—Admiral Baron Kato, Prince Tokugawa. Accompanied by Mr. Hanihara, Mr. Saburi, Mr. Saito.

*The Netherlands*.—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. E. Moresco. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

*Portugal*.—Viscount d'Alte, Capt. Vasconcellos.

The secretary general. Assisted by Mr. Osborne. Mr. Camerlynck, interpreter.

1. The fourth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Union Building 11 a. m. November 22, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Briand, Mr. Viviani, Mr. Sarraut; for Italy, Senator Schanzer, Senator Rolandi Ricci, Senator Albertini; for Japan, Admiral Baron

Kato, Prince Tokugawa; for The Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. Silvercruijs, Mr. Cattier; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for China, Dr. Tyau, Mr. Chao, Mr. Zoe; for France, Mr. Mssigli, Mr. Kammerer; for Italy, Mr. Corà, Mr. Fileti; for Japan, Mr. Hanihara, Mr. Saburi, Mr. Saito; for The Netherlands, Jonkheer van Starckenborgh, Mr. de Kat Angelino.

The secretary general of the conference, assisted by Mr. Osborne, was present. Mr. Camerlynck (interpreter) was also present.

#### MINUTES OF LAST MEETING APPROVED.

4. In opening the meeting the chairman, Mr. Hughes, remarked, that, if there were no corrections in the minutes of the committee's last meeting, they would be considered approved.

#### FURTHER METHOD OF PROCEDURE TO BE FOLLOWED.

5. The chairman then said that, under the head of questions relating to China, the committee had progressed up to the point of recording an accord respecting the four principles stated yesterday. He then read the first of these principles and also No 1-a of the Chinese proposals and said there had been some question in regard to the word "respect": the meanings of both "observe" and "respect" were embraced in the one word "respect," he assumed that the declaration of principle contained in No. 1-a had already been adopted. In regard to the 1-b he said that this was a statement of China's policy and of her willingness to do generally what several powers had asked her to do individually; there seemed no need to discuss it. The next one of the Chinese proposals to be dealt with under the head of political questions or territorial and administrative questions was No. 5. China had asked that restrictions on Chinese administration action be removed as quickly as possible: that, of course, would require the formal assent of the powers concerned, but it might be the intentions of the powers to forego rights in respect to existing limitations. He suggested that China state what the limitations were which she desired to have removed; this would furnish an opportunity for discussion and, if it were found that there was one in regard to which there was agreement, it could be recorded; or the desire might be to postpone consideration in some cases, or to refer questions to a subcommittee of experts, not for advice as to policy but for information as to exact facts. The chairman asked whether this order of procedure was agreeable to the committee.

Mr. Sze, referring to 1-b of the Chinese proposals, said that this general declaration absorbed all particular declarations on this subject made by China to individual powers in the past. China's ten proposals had been drawn up in accordance with the tentative agenda; he thought it would be best to follow the order of these proposals, taking up general principles and later on the application of these principles including special cases; China was now asking the Powers to agree to certain general principles.

The chairman replied that his suggestion had sprung from the thought that the committee yesterday had made a statement of the general principles to be applied; however, there was not the slightest desire to preclude a further discussion of general principles; he feared that, in such a further discussion, general terms would be used which really had special applications in the minds of the speakers; he asked whether it would not be best to take up special points; for instance, in regard to the fifth Chinese proposal, how can there be a general discussion of this unless the committee knew what particular limitations China wished removed, and what the facts were in regard to these limitations. His only desire was to aid the discussion.

Mr. Sze said that the general principles presented last Saturday were more or less interlocking, depending on each other; it would therefore be difficult to treat one topic apart from the others; for instance, Nos. 5 and 8 of the Chinese proposals were natural corollaries to what had already been agreed upon.

Mr. Balfour said that in intervening in the discussion he had to confess that all his sentiments favored the procedure suggested by the chairman. It was perfectly true, as mentioned by Mr. Sze, that these questions were interlaced, and it was possible without irrelevance to proceed from one to another. If, however, the committee was to deal only with generalities, it would be a morning wasted. The sooner the committee condescended to details, the sooner would practical results be reached. The committee had already discussed generalities and agreements on these could not be more complete. That goal had already been reached. What now had to be considered was how to carry out the principles in practical detail. In this he hoped that the committee would follow the lead of the chair.

Dr. Koo said he was in full accord with the view of Mr. Balfour that mere agreement in general principles was not so important as their application to concrete cases. The situation before the conference, however, was not so complicated as it appeared. The Chinese delegation would be prepared to proceed to discussion of specific determinations, if it were understood by the committee that, in the first place, the adoption of the four principles did not imply a termination of discussion on general principles, and that in the second place, with the possible exception of the last two points in the Chinese proposals, all the other principles proposed by the Chinese delegation were really corollaries of the four principles already adopted and were therefore covered by the latter.

The chairman thought there was a very narrow difference, if any; the idea had been to have a general discussion and then to proceed to special topics in accordance with the American agenda. After the general discussion it had become clear that the committee was ready to adopt a resolution: 1-a and 1-b, 3, 5, and 8 related to the territorial and administrative integrity of China; on the basis of these we have established a general principle. C and D of the agenda (open door and concessions) corresponded with Nos. 2, 6, and 7 of the Chinese proposals; as concerned a general principle the committee could not proceed further in regard to the "open door." G of the agenda naturally brought up paragraph 4 of the proposals; but Nos. 9 and 10 of the proposals, which did not specifically refer to

China, and were of a very general application, could be taken at an appropriate time later on. The chairman thought it could be assumed that the committee did not agree that everything in the Chinese proposals was covered by the principles adopted yesterday, which must stand by themselves; that did not mean, however, that any point, which China or any other power wished to bring up, should not be discussed.

The chairman's remarks being assented to by the members of the committee, including the delegates of China, he suggested that the discussion might be continued on the subjects of territorial and administrative integrity; having in mind the general principle already adopted, No. 1-b of the Chinese proposals might be taken up. He understood that Mr. Briand had suggested that he might have something to say in regard to this topic.

Mr. Briand said that he quite agreed with the procedure suggested; that he believed the committee might proceed using what had been adopted yesterday as a basis; there was no use in postponing differences; such a procedure led to no solutions; it was better to proceed to settle, so far as possible, special questions; should they prove too difficult, they could be referred to special committees, who might prepare drafts for discussion by the committee.

The chairman said that, as no discussion of 1-b (Chinese proposals) was desired, this being an undertaking China was prepared to give, paragraph 5 might be taken up next, and the committee would hear from those present what limitations it was desired to have removed, prior to discussing them.

#### ACCEPTANCE BY THE COMMITTEE OF NO. 1-B OF CHINESE PROPOSALS.

6. Mr. Briand asked whether it was understood that the committee might at any time accept or decline China's offer included in 1-b.

The chairman thought it might be in order to record the committee's approval and asked for the sense of the meeting. Each delegation present voted "Aye," and the chairman announced it as a vote.

#### SUGGESTION BY SENATOR UNDERWOOD FOR APPOINTMENT OF SUBCOMMITTEE TO STUDY QUESTION OF CHINESE REVENUE.

7. Senator Underwood said that, with the approval of his American and Chinese colleagues, he desired to make a suggestion. The committee had already agreed, he said, to the principle of the sovereignty of the Chinese Government and the integrity of Chinese territory, but it was well known that a government could not be strong enough to meet its outside obligations unless it had an adequate revenue. China had grave difficulty, at the present time, in raising sufficient revenue; the main source of revenue was the customs dues, which were entirely inadequate; some understanding might be reached relative to this question and the source and amount of customs revenues in the future; an investigation to ascertain the facts in the case would be necessary; until the facts were available there was no foundation on which to base a discussion. He suggested therefore that the matter be referred in some way to a committee for adequate investigation and a report of facts and conclusions.



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and those present would agree to send the question of the Chinese committee. He hoped, however, that reference would not be too narrowly to the British Government had agreed should be raised from 5 per cent to the Chinese Government would remove the barrier to internal trade. He hoped excluded from the committee's purpose he hoped would not be excluded was (in customs revenues) should be the general administration of China. China was laboring, to which the chair- man did undoubtedly create some difficulties, that inevitable questions collateral to tariff would not be excluded from the anxious was he himself to get information that would not be circumscribed by technicalities of its activities.

that the Italian delegation was quite pressed to have a technical investigation as suggested by Underwood and as amplified by the chairman. He, however, to have the committee consist of experts and delegates, so that the responsibility was separated; he suggested that each delegation was to the committee.

that he fully recognized the importance of the Senator Underwood and he was quite ready to have a meeting of a committee of experts for the technical question; but it seemed to him that the matter was narrowed, and that a discussion must be under other lines. The committee, he said, must know what negotiation meant by the wording of paragraph 5. He was confronted by a de facto situation. For 50 or 60 years made to the powers a series of concessions, some of which were others of an administrative nature. What was the restitution she demanded? The committee was going. Mr. Sarraut took as an example the territoriality. One of the grounds on which the committee found difficult the renunciation of this was that they were necessary for the protection of the life and property of the Chinese. Was China in a position to furnish equivalent guar-

anties? No doubt the financial question was of very great importance and it was perhaps the key to the other problems because its solution was necessary for the consolidation of the Chinese Government; but before it was taken up the precise meaning of paragraph 5 must be determined.

The chairman remarked that what Mr. Sarraut had said was closely in line with his own ideas; he had not thought of having a vote at that time in regard to the fifth Chinese proposal; the committee could not deal with it without knowing what it was about and China must furnish information as to what she wanted. But, as the committee was discussing the question of limitations, knowing that there were restrictions having to do with revenue, Senator Underwood had suggested that a start be made by taking them up. The chairman did not believe that this proposal was in conflict with what Mr. Sarraut had said. The question at the moment was: Should there be a sub-committee appointed to deal with the question of revenue to consist of not more than two experts appointed by each delegation? Each delegation would, of course, want to be most expertly advised.

Mr. Koo believed that the question of revenue was one of the most important questions and that Senator Underwood's suggestion had been made with a view as much to its importance as to the expediting of progress in the committee. At the same time he thought that the method of approach suggested by Mr. Sarraut was logical and probably susceptible of more rapid progress in the long run. The present situation in China had not arisen in one day; it dated back in its origin 80 years. It was due to treaties made in circumstances when China was precluded from expressing her will freely. A situation had now arisen which was not only full of danger for China's future, but a cause of anxiety for the peace of the Far East. China knew that the cumulative results of 80 years could not be wiped off at this conference, but the Chinese delegation felt that a serious effort should be made with a view to stabilizing the relations between China and the powers here in the conference as well as all other treaty powers. Mr. Sarraut's suggestion coincided with that of the Chinese delegation. The Chinese delegation had in fact prepared a list of specific questions which it thought should be discussed at the conference not necessarily for the purpose of finding an immediate solution for every one of them, but with the idea of surveying the ground and knowing where China and the other powers represented at the conference stood.

There were two points, however, which the Chinese delegation could not overemphasize: (1) A stop must be put to further encroachments on the administrative and territorial integrity of China and a line must be drawn to safeguard the future; and (2) an earnest effort should be made to remove as many as possible of the existing limitations and infringements upon China's exercise of her sovereign rights. The resolutions adopted yesterday were apparently intended to safeguard the future of China, but present conditions should be examined with a view to their amelioration, because such a step would be as much in the general interest as in that of China. It would advance the cause of peace in the Far East.

It was with this spirit that the Chinese delegation asked the privilege to present to the committee a list of concrete questions which might be put generally in two classes: (1) Those limitations

having a contractual and treaty basis, such as customs and extra-territoriality and (2) others not having such a basis, as for example, the maintenance in China of foreign post offices, the presence of foreign troops in certain parts of Chinese territory which had not been consented to freely by China, and the establishment of foreign wireless stations in China. These questions would be presented at the committee's next meeting. At the present meeting the Chinese delegation was ready to discuss tariff autonomy, if the committee desired. The appointment of a subcommittee would probably be a useful step to take.

Mr. Koo wished to point out that the Chinese tariff question had two aspects, namely, the political and the technical aspects. The technical aspect should certainly be examined by a subcommittee of experts, but a general discussion by the committee of the whole on the political aspect of the question would be exceedingly useful. If it was desired by the committee, he would gladly make a statement of the tariff question in respect of its general aspects.

The chairman remarked that if the Chinese delegation was prepared to make a statement on this or any other question, there was no objection.

Sir Robert Borden said that, as he understood the proposal made by Senator Underwood, its purpose was to forward the second resolution adopted on the previous day. It had been well pointed out that a stable government required a stable and adequate revenue. Consequently it appeared desirable that the question should be referred to a subcommittee in order that the committee might have a report as to what was practicable, and might enter a discussion with full knowledge and arrive at an agreement. This appeared very desirable from China's point of view, and this proposal did not appear inconsistent with the desire of the Chinese delegation to make a statement of its point of view on certain questions. It was important that this statement should be made and considered, but that, in the meantime, the proposed committee should be appointed.

Senator Lodge agreed with Sir Robert Borden in regard to taking one subject and going ahead with it, without in any way interfering with any general statement from the Chinese delegation. He wanted to say, however, that the delegates were the men responsible for the work of the conference and would have to act on the questions at issue sooner or later. It therefore seemed to him most practical that the subcommittee should be composed of members of the conference, one representing each power; this subcommittee could send for any experts they might desire to hear. It seemed that time would be saved in this way.

The chairman said that whatever might be done in regard to the appointment of a subcommittee would not stand in the way of any suggestions or views upon general questions, such as tariff or revenue, which China might desire to make. The chairman then inquired whether it was agreeable to the committee to have the subcommittee composed of a representative of each delegation, with power to call to its aid such experts, individually or collectively, as might be desired.

Baron de Cartier desired to have the right to designate some one to sit for him on the subcommittee, in view of the fact that he was

the only delegate of Belgium. There was general agreement that he should have this right.

Mr. Sze said that the proposal of the Chinese delegation would be delayed until the next meeting. The Chinese delegation, he said, was in accord with Senator Lodge's proposal, and also with what had been agreed upon at the other meetings of the committee. As to the question of China's revenue, he said that the powers had taken nearly a year in attempting to revise the Chinese tariff two years ago; hence the scope of the subcommittee should be limited to dealing with such revenue as could be increased, revenue that could be raised from sources affecting foreigners; the whole Chinese régime was too broad a subject.

The chairman suggested that the scope of the subcommittee should not be limited; in view of the fact that it would be composed of members of the committee, it could be allowed to determine its own limits; it would soon be able to see how far it could go, and would have in mind some sort of a possible project, not the presentation of a budget to China.

The chairman then asked whether there was an agreement that a subcommittee should be appointed, composed of one representative from each power. Belgium to have the right to substitution, and each power to be allowed to call in such experts as were desired.

Vice Admiral Baron Kato, speaking in Japanese, which was translated into English by Mr. Ichihashi, said that he agreed heartily, but that, as one of the Japanese delegates was ill, the Japanese delegation desired that it be permitted to send a substitute when necessary. This request received the assent of all present.

Jonkheer van Karnebeek remarked that he had understood from Mr. Koo that the Chinese delegation had in readiness a list of topics coming under paragraph 5 of the Chinese proposals. Mr. Sze had intimated that this list would be handed in at the next meeting. Jonkheer van Karnebeek suggested that, in order to expedite matters, the list be distributed before the next meeting, so as to give the different delegations an opportunity to study it before the meeting.

Mr. Sze replied that the document to which Mr. Koo had referred contained seven pages of printed matter; it had therefore better be postponed. As to the list of limitations, the Chinese delegation would be pleased to submit it to the delegates as soon as it was ready.

#### TIME OF NEXT MEETING.

9. After some discussion it was determined to hold the next meeting of the committee the next afternoon, Wednesday, November 23, at 3 p. m. (It was also decided to hold a meeting of the Committee on the Limitation of Armaments the next day, Wednesday, November 23, at 10 a. m.)

#### 1B OF THE CHINESE PROPOSALS.

10. Mr. Sze, referring back to the discussion of No. 1b of the Chinese proposals, asked whether it was understood that this absorbed all declarations of a similar nature formerly given by China.

The chairman expressed the hope that Mr. Sze would not press this question, on account of a good legal reason, namely, that matters of limitation could not be revoked legally by the action of the committee.

Senator Schanzer said that he had not quite realized the bearing of China's proposal, and was not quite clear what China meant by absorbing all former agreements; he suggested that no mention be made of the matter in the press communiqué.

#### PRESS STATEMENT.

11. After some discussion the following statement for the press was decided upon:

"The Committee on Pacific and Far Eastern Questions met at the Pan American Building, November 22, at 11 a. m. All the members were present except Baron Shidehara and Signor Meda. The committee discussed the matter of the limitations upon the administrative autonomy of China, with particular reference to those connected with revenue, and, on Senator Underwood's proposal, decided to appoint a subcommittee consisting of a representative of each of the nine powers for the purpose of examining facts and stating their conclusions to the full committee. The subcommittee to have power to call in such expert opinion as it might desire.

The committee then adjourned (1.20 p. m.), to meet Wednesday, November 23, 3 p. m.

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#### FIFTH MEETING—WEDNESDAY, NOVEMBER 23, 3.30 P. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Carter. Accompanied by Mr. Silvercruys, Mr. Cattier.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice P. A. Mankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. Tyau, Mr. King, Mr. Zee.

*France.*—Mr. Briand, Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Massigli, Mr. Kammerer.

*Italy.*—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini. Accompanied by Mr. Giannini, Mr. Cora.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Ichihashi.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. E. Moresco. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, accompanied by Mr. Pierrepont, Mr. Wilson. Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The Committee on Pacific and Far Eastern Questions held its fifth meeting in the Columbus Room, Pan-American Union Building, at 3.30 p. m., Wednesday, November 23, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood, accompanied by Mr. Wright and Mr. MacMurray; for Belgium, Baron de Cartier, accompanied by Mr. Silvercruys and Mr. Cattier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India), accompanied by Sir Maurice P. A. Hankey and Mr. Lampson; for China, Mr. Sze, Mr. Koo, Dr. Wang, accompanied by Dr. Tyau, Mr. King, and Mr. Zee; for France, Mr. Briand, Mr. Viviani, Mr. Sarraut, Mr. Jusserand, accompanied by Mr. Massigli and Mr. Kammerer; for Italy, Senator Schanzer, Senator Rolandi Ricci, Senator Albertini, accompanied by Mr. Giannini and Mr. Cora; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, accompanied by Mr. Saburi, Mr. Kimura, and Mr. Ichihashi (interpreter); for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. E. Moresco, accompanied by Jonkheer van Starckenborgh and Mr. de Kat Angelino; for Portugal, Viscount d'Alte and Capt. Vasconcellos; the secretary general, accompanied by Mr. Pierrepont and Mr. Wilson.

Mr. Camerlynck and Mr. Talamon, interpreters.

3. The chairman, Mr. Hughes, before proceeding to the discussion of Far Eastern questions, asked the delegates if they were in accord with his views as to entertainments, the invitations for which were being received by him from many organizations in the United States, who were desirous of extending their hospitality to the delegates during their stay in this country. He stated that it was his opinion that the acceptance of most of these invitations would not be possible in view of the great amount of work at hand, but that he would not, of course, intervene when these invitations were made directly to the delegations. He particularly mentioned invitations received from people and organizations away from the city of Washington.

4. The chairman inquired if the minutes of the last meeting were satisfactory; there being no objection, he declared they would be considered approved.

5. The chairman then proceeded to the discussion of the question of the administration of the Chinese customs and announced that he had ventured to suggest to the Chinese Delegation that, in the interest of giving the discussion an order that might produce the best results, they refrain from presenting a full list of subjects and that they bring forward these questions one at a time, rather than involve any general discussion. If there was no objection, they would proceed with this understanding.

6. Mr. Koo, making a statement on behalf of the Chinese Delegation, said that he would engage the attention of the committee for a few minutes on a very important question, namely, the question of tariff autonomy. Prior to the year 1842, China had enjoyed the full right of fixing her customs duties. But in that year and in the subsequent years, she had made treaties with Great Britain, France, and the United States, in which for the first time a limitation was

imposed on this full right. The rule of 5 per cent ad valorem was thereby established, and later a schedule was fixed upon the basis of the current prices then prevailing. In the years preceding 1858, prices began to drop, and the 5 per cent customs duty collected appeared consequently to be in excess of the 5 per cent prescribed. A revision was therefore asked for by the treaty powers and was effected in 1858. From that time until 1902, however, as prices mounted and the Chinese Government had been receiving less than the 5 per cent rate, no request was made on the part of the treaty powers for a revision. If the Chinese Government did not at that time press for a revision, it was only because the needs of the Government were then comparatively few and the revenues collected, small as they were, were not inadequate to meet the requirements.

It was only in 1902, as a result of the Boxer uprising, that another revision was made with a view to raising sufficient revenue to meet the newly imposed obligations arising out of the protocol of 1901. In that tariff, however, the rates were calculated on the basis of the average prices of 1897-1899, the then prevailing prices not being taken into account. But the revenue collected according to this increased tariff was hardly sufficient to meet the obligations of the indemnity. In 1912, another attempt was made to revise the tariff in order to bring it more in accord with actual prices. It proved to be a failure, as the unanimous consent of some 16 or 17 Powers was not obtained. It was only after six years of protracted negotiation that another revision was effected in 1918. The purpose of this revision was to increase the rate to an effective 5 per cent, but the resulting tariff, which was now in force, yielded only 3½ per cent in comparison with the prices of commodities actually prevailing.

Dr. Koo asked on behalf of the Chinese delegation for the recovery by China of the right to tariff autonomy. He said that in the first place the existing regime in China constituted an infringement of the Chinese's very own right to fix the tariff rate at her own discretion—a right enjoyed by the States throughout the world.

Again, it deprived China of her power to make reciprocity arrangements with the powers and ran counter to the principle of equality and impartiality. While foreign goods imported into China had to pay only 5 per cent of import duty, goods of Chinese origin imported into foreign countries had to pay as high as 10 per cent maximum rate. For instance, Chinese tea imported into the United Kingdom had to pay 15 per cent import duty, whereas as the same tea imported into the United States had to pay only 5 per cent. In Japan, Chinese goods had to pay 10 per cent duty, while Japanese goods imported into China had to pay 5 per cent duty. In the United States, 15 to 20 per cent duty had to be paid on goods imported there from the Chinese export market, whereas goods imported from the United States into China had to pay only 5 per cent duty.

As a result of this tariff discrimination, Chinese goods which entered the United States were sold at a lower price than those which entered Japan, and Chinese goods which entered Japan were sold at a lower price than those which entered the United States. This was a clear and manifest violation of the principle of equality and impartiality. The Chinese delegation therefore requested that the United States should grant to China the right to tariff autonomy, so that China could fix her own tariff rates in accordance with her own needs and interests. The Chinese delegation also requested that the United States should grant to China the right to make reciprocity arrangements with the United States, so that China could secure the same treatment for her goods in the United States market as the United States goods received in the Chinese market.

take into consideration the economic and social as well as the fiscal needs of the Chinese people.

Continuing, Dr. Koo said that the present tariff caused a serious loss of revenue to the Chinese exchequer. Customs duties formed one of the most important sources of revenue of a country. Great Britain, for example, received 12 per cent out of her total revenue; France, 15 per cent; United States, 35 per cent. (In giving these figures, he said he would be glad to hear his colleagues correct him, if they were not accurate to date.) The Chinese customs revenue, on the other hand, played, for nearly 100 years, a comparatively insignificant part in the national revenue. Besides, a large part of China's customs revenue was pledged to meet various foreign loans secured thereon, and this fact again reduced the amount available for the needs of the Government.

Furthermore, under the existing customs régime it was exceedingly difficult to revise the tariff, even for the modest purpose of raising it to an effective 5 per cent. The revision of 1902 was the first revision in 44 years, and the resulting tariff yielded only  $2\frac{1}{2}$  per cent in comparison with the market value of the imports, i. e.,  $2\frac{1}{2}$  per cent less than what could have been collected if the tariff schedule had been revised to date. The revision of 1918, as was pointed out, was effected only after six years of negotiation, and being based on the average prices of 1912-1916, the new tariff of 1918 was yielding only  $3\frac{1}{4}$  per cent. But even an effective 5 per cent import tariff, which would probably produce an additional revenue of nearly 15,000,000 taels, might, however, still prove inadequate to meet the manifold needs of the Chinese Government, such as those for education, road building, sanitation, and public welfare.

In view of the foregoing reasons, Dr. Koo asked the powers to agree to the restoration to China of her tariff autonomy. In making this request, the Chinese Government entertained no desire to interfere with the present administration of the maritime customs, which was generally considered to be efficient and satisfactory, nor to interfere with the devotion of the funds of the maritime customs to the liquidation of foreign loans secured thereon. What he had uppermost in mind in asking for the recognition of China's tariff autonomy was the right to fix and differentiate the tariff rates. As the establishment of such a new régime would require time, it should come into force only after a period to be agreed upon. Before that period, a maximum rate should be agreed to, and within that maximum rate China should enjoy full freedom of differentiating rates, for example between luxuries and necessities. But negotiation for the purpose of fixing a maximum rate might take months, and as the present Chinese financial condition needed some immediate relief, it was proposed that on and from January 1, 1922, the Chinese import tariff should be raised to  $12\frac{1}{4}$  per cent, a rate mentioned in the Chinese treaties with Great Britain, the United States, and Japan.

7. Senator Pearce asked Mr. Koo if, having given the ratio between customs revenues and total revenues found to exist in three other countries, he would not give the percentage that the customs revenues of China bore to the total revenues of the central Government.



Mr. Koo answered that, so far as he could recall, import duties would total approximately 10 per cent of the national revenue, but this figure was subject to verification.

Senator Lodge stated that, unless he had misunderstood, Mr. Koo's statement was to the effect that the customs revenues of the United States amounted to 35 per cent of its total revenues. He stated that actually they only amounted to about 8 per cent, inasmuch as the total revenues for the current year totaled about \$4,500,000,000, of which \$350,000,000 was derived from customs revenues. The tariff this year was expected to raise a larger revenue, but certainly not over 15 per cent.

Mr. Koo inquired if the figures he had given (35 per cent) were not approximately correct for the period preceding the war.

Senator Lodge agreed that they were approximately correct.

8. Mr. Root stated that the treaty of 1903 between the United States and China contained a provision concerning the abolition of likin and proceeded to read Article IV of the treaty, as follows:

"The Chinese Government, recognizing that the existing system of levying dues on goods in transit, and especially the system of taxation known as likin, impedes the free circulation of commodities to the general injury of trade, hereby undertakes to abandon the levy of likin and all other transit dues throughout the empire and to abolish the offices, stations, and barriers maintained for their collection and not to establish other offices for levying dues on goods in transit. It is clearly understood that after the offices, stations, and barriers for taxing goods in transit have been abolished no attempt shall be made to reestablish them in any form or under any pretext whatsoever."

Continuing, Mr. Root stated that the treaties of 1902 and 1903 between China and Great Britain and Japan, respectively, contained provisions of similar effect, and that the increase in customs duties to 12½ per cent, as proposed in those treaties, was clearly intended as a consideration for the abolition of likin, and inquired of Mr. Koo what proposal, if any, he was ready to make with regard to "likin."

Mr. Koo answered in the following sense:

That likin was a handicap to the internal, as well as the external, trade of China, and that the substantial classes in China were for its abolition. He added that the Government would be prepared to abolish likin if tariff autonomy were granted, and if it were possible to agree on an increase in customs duties, which would compensate for its abolition. He considered the original proposition of an increase to 12½ per cent as hardly sufficient to-day, in view of the great increase in public expenses.

The chairman gave it as his understanding that under the present system there was a transit tax of 2½ per cent, which amounted to a commutation on all likin, and inquired if this was generally applied.

Mr. Koo replied that foreign merchandise imported into treaty ports paid only 5 per cent and imported into all other parts of China paid an additional 2½ per cent, and that advantage of this arrangement was very generally taken.

9. The chairman pointed out to the delegates that this meant that goods going to the treaty ports were taxed only 5 per cent, whereas goods going to any other part of China paid altogether about 7½

per cent. Inasmuch, however, as this was a very technical point, he suggested that unless there was to be more discussion it should be referred to the special subcommittee.

Baron de Cartier suggested that the question was perhaps susceptible of possible favorable action by the full committee and that discussion might possibly lead to instructions to the special subcommittee, adding that, if this were done, it would be a distinct forward step.

10. Senator Underwood called attention to the fact that stable conditions in China would be for the benefit of all those nations who did business with China and that such conditions were desirable. Pointing out that it was recognized as axiomatic that no government can function effectively without revenue, he said that the committee, in working to secure ample revenue for China, was laying the cornerstone for stabilization in that country. He remarked that he did not consider the transportation tax as a tax on imports and added that the United States had had a similar tax. Continuing, Senator Underwood pointed out the necessity of refraining, as far as possible, from disturbing existing trade conditions; as readjustment and revision should be made with a view to avoiding any disturbance of established channels of trade. It seemed advisable, in view of the efficiency of the present system of administration, that it should not be disturbed. In his opinion no arbitrary rates, such as 12½ per cent, should be decided upon, but rather such changes should be made as to assure a revenue sufficient to keep China out of debt. It was important that every cent collected should go to meet the expenses of government. He added that Mr. Koo's suggestion that China should have the right to charge more duty on luxuries than on necessities was a reasonable one, but argued that a simple and not a complicated tariff was desired. Finally, the needs of the Government should be clearly known and the customs levies changed to meet them.

11. The chairman called for further remarks, but, as none were forthcoming, he announced that, by agreement, the question of customs duties would be referred to the subcommittee to which the following had been appointed: United States, Senator Underwood, chairman; Belgium, Baron de Cartier, M. Cattier as alternate; British Empire, Sir Robert Borden, Sir John Jordan as alternate; China, Dr. Koo; France, M. Sarraut; Italy, Senator Albertini, Signor Vincenzo Fileti as alternate; Japan, Mr. Hanihara; Netherlands, Jonkheer Beelaerts van Blokland; Portugal, Capt. Vasconcellos. The chairman then requested the Chinese delegation to advise the committee what questions it proposed to take up at the next meeting, so that the members might come prepared to discuss them.

Mr. Koo suggested the question of extraterritoriality, and, if the time permitted, the question of leased territories.

12. The chairman suggested that an announcement be given to the press concerning the subject under discussion, including Mr. Koo's statement, if so desired; also, an announcement with regard to the subcommittee, its composition and purpose. The suggestion was approved.

13. The meeting adjourned until Friday morning, November 25, at 11 o'clock, the subcommittee to meet at the call of Senator Underwood.

## SIXTH MEETING—FRIDAY, NOVEMBER 25, 1921.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. MacMurray, Mr. Wright.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Cattier, Mr. le Tellier, Mr. Silvercruys.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Mr. Christie, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. Tyau, Mr. Chao, Mr. Zee.

*France.*—Mr. Viviani, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli.

*Italy.*—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini. Accompanied by Mr. Cora, Mr. Giannini.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, accompanied by Mr. Paul.

Interpreter, Mr. Talamon.

1. The Committee for Pacific and Far Eastern Questions held its sixth session in the Columbus Room of the Pan American Building on Friday, November 25, 1921, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, and Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), and Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, and Dr. Wang; for France, Mr. Viviani and Mr. Jusserand; for Japan, Admiral Baron Kato, Prince Tokugawa, and Mr. Hanihara; for Italy, Senator Schanzer, Senator Rolandi Ricci, and Senator Albertini; for The Netherlands Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, and Dr. Moresco, and for Portugal, Viscount d'Alte and Capt. Vasconcellos.

Secretaries and advisers present included the following: For the United States, Mr. MacMurray and Mr. Wright; for Belgium, Mr. Cattier, Mr. le Tellier, and Mr. Silvercruys; for the British Empire, Mr. Christie and Mr. Lampson; for China, Dr. Tyau, Mr. Chao, and Mr. Zee; for France, Mr. Kammerer and Mr. Massigli; for Japan, Mr. Saburi, Mr. Kimura, and Mr. Saito; for Italy, Mr. Cora and Mr. Giannini; for the Netherlands, Jonkheer van Starkenborgh and Mr. de Kat Angelino. The secretary general of the conference, assisted by Mr. Paul, was present. Mr. Talamon (interpreter) was also present.

## A FALSE REPORT IN THE WASHINGTON POST RE MR. BALFOUR.

3. The chairman (Mr. Hughes) opened the session by expressing his great regret at the appearance of a report in the Washington

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(a) In the first place, it is in derogation of China  
rights and is regarded by the Chinese people as a national  
humiliation.

(b) There is a multiplicity of courts in one and the same  
and the interrelation of such courts had given rise to a  
perplexing both to the trained lawyer and to the layman.

(c) Disadvantages arise from the uncertainty of the  
general rule is, that the law to be applied in a given case is  
of the defendant's nationality, and so, in a commercial transaction  
between, say, X and Y of different nationalities, the right and

liabilities of the parties vary according as to whether X sued Y first, or Y sued X first.

(d) When causes of action, civil or criminal, arise in which foreigners are defendants, it is necessary for adjudication that they should be carried to the nearest consular court, which might be many miles away; and so it often happens that it is practically impossible to obtain the attendance of the necessary witnesses, or to produce other necessary evidence.

(e) Finally, it is a further disadvantage to the Chinese that foreigners in China, under cover of extraterritoriality, claim immunity from local taxes and excises which the Chinese themselves are required to pay. Sir Robert Harte, who worked and lived in China for many years, had said in his book "These from the Land of Sinim," "The extraterritoriality stipulation may have relieved the native official of some troublesome duties, but it has always been felt to be offensive and humiliating, and has ever a disintegrating effect, leading the people, on the one hand, to despise their own Government and officials and, on the other, to envy and dislike the foreigner withdrawn from native control."

Until the system is abolished or substantially modified, Dr. Wang continued, it would be inexpedient for China to open her entire territory to foreign trade and commerce. The evils of the existing system had been so obvious that Great Britain in 1902, Japan and the United States in 1903, and Sweden in 1908 agreed, subject to certain conditions, to relinquish their extraterritorial rights. Twenty years had elapsed since the conclusion of these treaties, and while it is a matter of opinion as to whether or not the state of China's laws had attained the standard to which she was expected to conform, it is impossible to deny that she has made great progress on the path of legal reform. A few facts would suffice for the present. A law codification mission for the compilation and revision of laws has been sitting since 1904. Five codes have been prepared, some of which have already been put into force: (a) The Civil Code, still in course of revision; (b) the Criminal Code, in force since 1912; (c) the Code of Civil Procedure, and (d) the Code of Criminal Procedure, both of which have just been promulgated; and (e) the Commercial Code, part of which had been put into force.

These codes, Dr. Wang said, had been prepared with the assistance of foreign experts, and are based on the principles of modern jurisprudence. Among the numerous supplementary laws especial mention might be made of a law of 1918, called "Rules for the Application of Foreign Laws," which dealt with matters relating to private international law. Under these rules, foreign law is given ample application. Then there is a new system of law courts established in 1910. The judges are all modern, trained lawyers, and no one could be appointed a judge unless he had attained the requisite legal training. These are some of the reforms which had been carried out in China.

Dr. Wang declared that the China of to-day was not the China of 20 years ago, when Great Britain encouraged her to reform her judicial system, and, a fortiori, she is not the China of 80 years ago, when extraterritorial rights were first granted to the treaty powers. Dr. Wang said he had made these observations, not

for the purpose of asking for an immediate and complete abolition of extraterritoriality, but for the purpose of inviting the powers to cooperate with China in taking initial steps toward improving and eventually abolishing the existing system, which is admitted on all hands to be unsatisfactory both to foreigners and Chinese. It is gratifying to learn of the sympathetic attitude of the powers on this question, as expressed by the various delegations at various meetings of this committee.

concluding, Dr. Wang asked, in the name of the Chinese delegation, that the powers now represented to this conference should relinquish their extraterritorial rights in China at the end of a definite period. In the meanwhile, he proposed that the above-mentioned powers should, at a date to be agreed upon, designate representatives to enter into negotiations with China for the adoption of a plan for a progressive modification and ultimate abolition of the system of extraterritoriality in China, the carrying out of which plan was to be distributed over the above-mentioned period. The chairman said that certain treaties had been referred to by Dr. Wang. In order to bring these concretely before the delegates, he would like to read from the Treaty of 1903 between the United States and China:

ART. XV.—*Reform of judicial system—Extraterritoriality to terminate.*—The Government of China having expressed a strong desire to reform its judicial system and to bring it into accord with that of western nations, the United States agrees to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, courts, and arrangements for their administration, and other considerations warrant it in so doing."

It was understood that substantially the same statement was found in the other treaties with Great Britain in 1902 and with Japan in 1911. So far as the Government of the United States is concerned, it had already formulated an expression of its desire to give all possible assistance to China's project for reform, and he had no doubt that the other powers were equally in favor of furthering a more complete juridical integrity for China. The question, however, is one of treaty right—of fact, rather than of principle, for the principle had already been defined by the three Governments referred to by Dr. Wang. What is the state of the administration of justice in China? What are the laws? And how were they administered? The chairman said that extraterritoriality was designed for the protection of certain juridical rights, and though he agreed that the extraterritorial machinery left much to be desired, he felt that in determining what could be done to assist China in this matter, a very definite notion must be had of the administration of justice in that country before existing treaty rights should be abolished. Whatever steps were taken, they should be preceded by an inquiry into existing conditions, and this would be, as a matter of fact, a very difficult problem to deal with. The chairman repeated that some nations had already formulated an expression of principle; it is now a question of finding the best way of aiding China when she is ready.

Dr. Wang said that China is ready to give every facility to the powers for ascertaining what her laws are and how they are administered.

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THE CHAIRMAN PROPOSES A COMMITTEE OF INQUIRY.

The chairman, continuing, said that the question as to the best manner of dealing with this subject is one for such general discussion as the delegates might desire. It is not plain how much progress could be made in this broad field without exhaustive consideration. The opportunity, however, had arrived for any discussion that might be helpful. Perhaps the way could be paved by a subcommittee of the conference for some system of inquiry by jurists appointed by the respective Governments of the delegates, for the purpose of advising these Governments as to what might be done. Moreover, something similar to the expression voiced in the three treaties mentioned above might be embodied in a general resolution. It would be unfortunate if it were said that the countries represented at the conference professed to respect the integrity of China, and yet at the same time intended to hold on to their extraterritorial rights.

MR. VIVIANI GIVES ASSENT TO THE CHAIRMAN'S PROPOSAL.

Mr. Viviani said that France was not a signatory of the treaties, but that she cordially accepts the principles of these treaties as a basis for action. She would also cooperate in forming the commission of inquiry which the chairman rightly said should be designated.

MR. BALFOUR SUPPORTS THE IDEA OF A SUBCOMMITTEE.

Mr. Balfour said that, as representative of the Government which, it so happened, was the first, by the brief period of a year, to express a desire to abolish extraterritoriality, he felt that he should say a word. His Government still desired to see extraterritoriality abolished. He rejoiced that there had been such improvement in the laws of China and in their administration, and he had listened with the greatest pleasure to Chief Justice Wang's statement. Without professing to be an expert, Mr. Balfour understood that the difficulty lay, not so much in Chinese law itself, as in the administration of this law. If those who had so ably reformed the laws should set themselves the task of reforming the courts and administration, an appreciable improvement might be expected. He felt that the practical method of procedure was that suggested by the chairman. The task of formulation was not for the committee as a whole, but might perhaps, as the chairman said, be remitted to a subcommittee. The general policy embodied in the treaties with the three powers, and which had just received the imprimatur of the French delegation, seemed the proper guide for future action. Mr. Balfour concluded by saying that, as far as his voice carried weight, he supported the proposal of the chairman.

SENATOR SCHANZER GIVES THE ASSENT OF THE ITALIAN DELEGATION.

Senator Schanzer said that the Italian delegation had listened sympathetically to China's request for the abolition of the rights of extraterritoriality. He was, however, inclined to agree with the chairman that a preliminary question existed which is a question of fact; that is, the question of ascertaining whether justice were now

administered in China in such a manner as to afford the powers and their citizens all necessary guaranties. For this reason, the Italian delegation supported the chairman's proposal that a subcommittee be appointed to outline the general trend of an investigation of the administration of justice in China.

**MR. HANIHARA SUBSCRIBES IN THE NAME OF THE JAPANESE DELEGATION.**

Mr. Hanihara said that, as had been pointed out by previous speakers, Japan, Great Britain, and the United States had signed treaties in which they agreed to abolish the system of extraterritoriality after the fulfillment of certain conditions. He declared that in this matter Japan had a stronger sympathy with China than other countries, for she had suffered for nearly 30 years under conditions similar to those now existing in China. The Japanese delegation was very desirous that this reform be executed at the earliest possible date, and felt that the best way of accomplishing this would be to follow out the suggestion of the chairman.

**BARON DE CARTIER INDORSES THE PROJECT.**

Baron de Cartier gave his thorough indorsement of this proposal.

**JONKHEER VAN KARNEBEEK GIVES HIS ASSENT.**

Jonkheer van Karnebeek expressed the approval of the Dutch Government with regard to the policy indicated by the chairman. He agreed with the chairman that the problem under discussion was not so much one of principle as one of fact. Holland had been the signatory of no such treaties with China as those concluded by the United States and the other powers just referred to, but he was confident that China had never doubted the readiness of the Dutch Government to relinquish its extraterritorial rights at the proper time. As the question was now only one of fact, he felt that the suggestion of the chairman was perfectly logical, and he gladly gave it his support. At the same time, he expressed the best wishes of his country for the realization of the progress in the administration of justice in China outlined by Chief Justice Wang, and hoped that it might become possible to meet China's desires at an early date.

**VISCOUNT D'ALTE ALSO EXPRESSES HIS CONCURRENCE.**

Viscount d'Alte said that, on behalf of the Portuguese delegation, he expressed his hearty agreement with the chairman's proposition to nominate experts to negotiate with China.

**DR. WANG EXPRESSES HIS THANKS TO THE VARIOUS DELEGATIONS.**

Dr. Wang thanked the various delegations for the interest manifested by them to-day, and concurred in the proposal for the designation of a subcommittee.

The chairman said that a gratifying example had been afforded of what could be accomplished in a short time. He proposed that



each delegation nominate one delegate to form a subcommittee to draft resolutions. This proposal was adopted.

6. The chairman called for discussion of the next subject.

**MR. SZE'S STATEMENT REGARDING FOREIGN POST OFFICES IN CHINA.**

Mr. Sze then proceeded to read a statement in regard to foreign postal service in China.

Toward the close of Mr. Sze's statement the chairman observed that it was now 1 o'clock, and that if he might speak for the other delegates he was sure that they had undertaken as much as was possible for one morning. Mr. Sze stated that as soon as fresh copies of his statement were available they would be distributed to the delegations. The chairman inquired whether any of the post offices referred to by Mr. Sze were in leased territory. Mr. Sze replied in the negative. The chairman inquired whether Mr. Sze's remarks on post offices were concluded. Mr. Sze replied that they were not, but that he was willing that the committee should consider the remainder of his remarks as read, with the exception of a short letter in behalf of the American Government to the Chinese delegation at the postal conference at Madrid, in 1920. (This letter is contained in Mr. Sze's statement, as given hereafter.)

The statement of Mr. Sze is as follows:

"As Mr. Koo said the other day in his remarks before the committee, China has suffered and is now suffering not only from limitations upon her territorial and administrative integrity, to which she has been led to consent, but also from open violations of her rights as a territorial sovereign for which not even a vantage of contractual right can be claimed.

"Among these violations are the stationing of foreign troops and railway guards at various points, the installation of wire and wireless telegraph communications, the maintenance of foreign post offices, and so-called 'police boxes.' I shall first speak of the foreign postal services maintained upon Chinese soil.

"China requests that the powers assembled in the conference agree at once to abolish all postal services now maintained by them in China. She bases her request upon the following propositions:

"1. China has organized and is now conducting a postal system covering the entire country, and maintaining relations with all foreign countries adequate to meet all requirements. The transmission of postal matter is a government monopoly, the first paragraph of the postal statutes of October 12, 1921, reading: 'The postal business is exclusively conducted by the Government.'

"2. The existence of those foreign post offices interferes with and makes more difficult the development of this system, and deprives it of a revenue which legally and equitably should belong to it.

"3. The maintenance by foreign Governments of post offices in China is in direct violation of the latter's territorial and administrative integrity, and rests upon no treaty or other legal rights.

"Early in the sixties of the last century foreign post offices began to open branches and agencies in the particular treaty ports of China. The opening of these offices was not based on any treaty provision or concession. Their existence and gradual increase was merely tolerated by the Chinese Government.

"About the same time a regular service for the carriage of mails was established on foreign lines in connection with the customs, operating chiefly between the numerous ports on the coast of China and those far up the Yangtze River. This service continued to work and to improve its machinery year by year. By imperial decree of March 20, 1896, this system was developed into a distinct Chinese postal system and placed under the general direction of the inspector general of customs. Finally, by imperial decree of May 28, 1911, the system was taken from under the administration of the inspector general of customs and developed into an independent system operating directly under the minister of posts and communications. Since that date the system has operated wholly as one of the administrative services of the Chinese Government.

"On March 1, 1914, China gave her adherence to the Universal Postal Convention, and since September 1 of that year she has continued as a member in good standing of the Universal Postal Union.

"As the Universal Postal Union does not recognize the right of any country to maintain post offices in another country which is a member of the postal union, the Chinese delegation brought up the question of alien establishments in China at the Universal Postal Congress opened at Madrid, on October 1, 1920. The question of their withdrawal was regarded as within the purview of their respective foreign offices and no definite decision was reached. A measure was passed, however, to the effect that only such foreign postal agencies could be considered as within the union as were established in a foreign country not itself within the Universal Postal Union, of which China has been a member since September 1, 1914.

"The Chinese post office maintains the cheapest general service in the world, and the following rates are in force:

	Chi- nese.	United States.
Letters (local).....	\$0.01	\$0.004
Letters (domestic).....	.03	.014
Post card (local).....	.01	.004
Post card (domestic).....	.014	.004
Newspapers (local) per 100 grams.....	.004	.004
Newspapers (domestic) per 50 grams.....	.004	.004
Printed matter 100 grams rate graduated to.....	.01	.004
Printed matter 1,500 grams for.....	.15	.074
Unaddressed circulars.....	.001	.004
Registration fee.....	.05	.024
Express fee (special delivery).....	.10	.05

"In spite of these very cheap rates and the very high transportation costs in maintaining long courier lines where no modern facilities are available, the surplus of receipts over expenditures has been steadily increasing. All profits are being put into improvements in the service to the smaller villages inland. Its income in 1920 was \$12,679,121.98 and its expenditures \$10,467,053.07, thus leaving a surplus for the year's operation of \$2,212,068.91.

"Senders of registered articles, parcels, insured letters, and express articles are entitled to claim indemnity in case of loss by the post office. Although in 1920 over 37,000,000 such articles were posted.

less than 400 claims for indemnity were made, the percentage being about 1 in 90,000.

"There has been a decrease of 30 per cent in the number of insured letters posted in the past four years, though other mail matter has increased by 50 per cent in the same time. This is considered as indicating a growing public confidence in the other noninsured services.

"The Chinese post office has over 3,000 interpreter employees, and every office serving places of foreign residence in China is amply supplied from this large number of interpreters to cope with all foreign correspondence.

"The efficiency of the Chinese postal service is further guaranteed by strictly civil service methods in appointments of staff. Employees enter only after a fair examination, both mental and physical. Postmasters, even in the larger cities, are selected from the most efficient of the employees; never from outside the service. The penalty for invoking political aid is dismissal, and in practice is never done.

"The post office functions under the same central administration over the entire country. In time of local disturbance and revolution the revolutionists have recognized the post office as a necessity to the welfare of the community and have always permitted it to continue its functions without change of staff or control.

"Notwithstanding the disturbed condition of affairs in China during recent years, the system has been steadily developed since it was placed wholly under the direction and control of Chinese authorities. Mail matter posted has increased approximately 300 per cent since 1911 (from 126,539,228 to 400,886,935 in 1920). Parcels posted have increased from 954,740 in 1911 to 4,216,200 in 1920, the increase being over 300 per cent.

"There is now scarcely a Chinese village which is not served either by a post office, postal agency, or minor postal establishment. Major establishments (offices and agencies) have increased from 9,103 in 1917 to 10,469 in 1920. Minor establishments (town box offices and rural stations) have increased from 4,890 in 1917 to 20,806 in 1920. This makes a total of 31,275 places now provided with postal facilities, more than double the number of places served four years ago.

"During and immediately following the war the Chinese post office transmitted through its money-order service over \$10,000,000 for the British and French Governments, which were making payments to the families of over 100,000 Chinese laborers employed for work in connection with the war in France and Belgium. The Chinese post office was made use of by the Government bureaus concerned in tracing and locating relatives of deceased laborers and in determining the identity and other particulars of claimants. In this work the Chinese post office used its large force of very efficient inspectors, and made no charge for investigations and reports.

"An international money-order department is now functioning, conventions for the exchange of money orders being in successful operation between China and Great Britain, the Dutch East Indies, and Hongkong. It is hoped that it may soon be extended to other countries.

"That this system is giving efficient and satisfactory service has been abundantly attested to by foreign observers. To quote from the

Commercial Hand-Book of China, published by the United States Department of Commerce in 1920 (vol. 2, p. 106):

"The Chinese postal service has extended its facilities to every district in the country, including in many of the outlying districts extensive courier lines. In spite of unsafe conditions that have prevailed in certain sections of the country during the past few years, and notwithstanding the great difficulty of transportation in other sections, the Chinese postal service has been remarkably efficient, and one hears but little criticism in connection with its organization and general work. It reports that very few complaints concerning loss of mail or stolen mail are made, and, on the whole, it is rendering a very satisfactory postal service."

"Mr. Willoughby, in his careful study 'Foreign Rights and Interests in China,' says, in speaking of this system:

"At the present time (1920) the postal service in China is one for which the Government deserves great credit. Generally speaking, the service is efficiently operated and with reasonable financial success, notwithstanding the fact that China has been obliged to acquiesce in the operation within her borders of some 60 or more foreign post offices."

"Notwithstanding the fact that China now has an efficient postal system, certain foreign Governments continue to maintain post offices in China. At the present time Great Britain, France, America, and Japan are maintaining and operating offices of this kind at a large number of places. The alien postal establishments in China as they stand at present are as follows: Great Britain, 12; France, 13; Japan, 124; United States, 1.

"The Japanese establishments are classed as follows: First-class offices, 7; second-class offices, 23; third-class offices, 4; unclassified offices, 10; suboffices, 3; box offices, 1; agencies, 33; letter boxes, 33; field post offices, 10.

"Those post offices have their own postage stamps, and operate in every respect in direct competition with the Chinese system. It is to be noted, moreover, that these foreign offices are located at the chief centers of population, industry, and commerce. They are thus in a position where they can, so to speak, skim the cream of the postal business, since they are under no obligation to maintain offices at unimportant points, and, in fact, do not do so.

"Parcels and mail matter entering China from abroad should pass a customs examination. With the exception of parcels from Shanghai and one or two other ports, however, it is a notorious fact that but few parcels or other articles transmitted by foreign post offices are ever examined. Cooperation between foreign postal establishments and the Chinese customs is extremely difficult and in practice has proven almost impossible. Thus the customs revenues are very materially affected, and foreign post offices become an efficient aid to smugglers of contraband, particularly of morphia, cocaine, and opium. On the other hand, parcels handled by the Chinese post offices are subject to rigid customs examination, duties being collected, in most cases, by the post office on behalf of the customs administration. The Chinese post office is thus working under a handicap in competition with those of other nations within its own territories.

"It is submitted that if the necessity ever existed for the maintenance of foreign post offices in China, this necessity has now passed away. As early as April 20, 1902, the American minister at Peking reported to his Government (United States Foreign Rels., 1902. p. 225):

"I have given such investigation as I have been able, and report that, in my judgment, foreign post offices in China, except at Shanghai, are not a necessity, because the Chinese postal service, under the imperial maritime customs, is everywhere giving satisfactory service, and is rapidly and effectively increasing and extending into the interior."

"More recently the Commercial Hand-Book of China, from which we have already quoted, says:

"The developments of the Chinese postal service during the past decade have been so extensive and so favorable that there is in reality no longer any need for a continuance of the foreign post offices operated in that country."

"It is to be noted, moreover, that the maintenance of these foreign offices rests upon no treaty or other legal right. Regarding this point, the American minister, in his communications to his country, of April 20, 1902, to which reference has already been made, said:

"The foreign post offices are being established principally for political reasons, either in view of their future designs upon the Empire, to strengthen their own footing, or because jealous of that of others. They are not established with the consent of China, but in spite of her. They will not be profitable. Their establishment materially interferes with and embarrasses the development of the Chinese postal service, is an interference with China's sovereignty, is inconsistent with our well-known policy toward the Empire, and I can not find any good reason for their establishment by the United States."

"That China has never recognized any such right is evidenced by a communication that her postmaster general addressed to the postal union on March 18, 1915. After referring to pertinent provisions of the Universal Postal Convention and of the Reglement d'Execution, the communication continued:

"Relying upon the principles inscribed in the Universal Postal Convention and in agreement on this point with the jurists in international law of all countries, China considers that by virtue of its entry into the union the offices maintained upon its territory by other countries of the union have ceased to have a legal existence. Although in consequence of the difficulties mentioned above and those that have their origin in the present events of the war, China has found herself obligated, in order not to impede the transmission of its mails, to continue temporarily for the purpose of its relations with other countries to have recourse to the intermediation of certain of the foreign post offices established upon its territory, or to accept this intermediation, it must declare that this course of action implies no recognition on its part of the legality of these offices, and, furthermore, that no status, in that respect, can be created by the written communications that have been or that may hereafter be exchanged in regard to them, either with those offices or with the administration to which they belong. China protests against the maintenance, by the majority of the

foreign post offices operating upon its territory, of tariffs lower than those fixed by article 5, of the Rome convention, for the payment of postage upon mails exchanged by those offices, either between themselves or with the countries to which they respectively belong.

"China, having adhered as from September 1 last to the Rome convention concerning the exchange of parcels post, must declare that what has been said above, in regard to the temporary continuation, necessitated by circumstances, of the intermediation of foreign post offices established upon its territory, applied likewise to the parcels post service."

"The following letter of the American representative at the Madrid conference of the Universal Postal Union, to the Director General of the Chinese Post Office, speaks for itself:

"MADRID, 27 November, 1920.

"Mr. LIU FOU TCHENG,

*"Director General of the Chinese Posts, Madrid.*

"DEAR SIR: With regard to the conversation which we last had concerning the postal service of China, permit me again to assure you of the high appreciation of the American postal administration of the efficiency and excellence of the postal service of the Chinese Government."

"I am authorized by my Government to express to you the sympathy of the United States with the desire of the Chinese Government that all of the foreign post offices should be withdrawn from its territory and the United States will be willing to participate in a unanimous movement of all the foreign Powers for the cessation of postal operations carried on by the other nations in the territory of China."

"The Postal Administration of your country has the right to the approbation and respect of the entire world with regard to the efficiency of your postal operations."

"Please accept, sir, the assurance of my high consideration."

"(Signed) OTTO PRAGER,  
"Subassistant Postmaster General."

(As to China's membership in the Universal Postal Union, see MacMurray, pp. 585 et. seq.)

"In conclusion, China wishes to point out that, wholly apart from the financial loss suffered by her as a result of the existence of foreign post offices on her soil, and the obstacles placed thereby in the way of the development of her own postal system, the maintenance of such offices represents a most direct violation of her territorial and administrative integrity. It is one, moreover, that is peculiarly objectionable, since it is a constant, visible reminder to the Chinese people that they are not accorded the consideration given to other peoples. This necessarily has a tendency to lower the prestige of the Chinese Government in the eyes of her people, and to make more difficult the already difficult problem of maintaining a government that will command the respect and ready obedience of her population. From whatever standpoint it is viewed, the continuance of these foreign post offices upon Chinese soil should, therefore, be condemned."

The chairman then suggested that, as time was necessary for the study of this matter, the committee adjourn until sometime the following day, instead of meeting that afternoon.

It was agreed to issue an announcement to the press as follows:

"The Committee on Pacific and Far Eastern Questions met in the Pan American Building Friday, November 25, at 11 a. m. All the delegates were present except Signor Meda, Baron Shidehara, M. Sarraut, and Lord Lee.

"At the opening of the session Mr. Hughes expressed his great regret at the appearance of a report in a Washington paper this morning of alleged happenings in the last meeting of the committee. The report of antagonism with Mr. Balfour was not only untrue, but grotesque, and did him the grossest injustice; Mr. Hughes could not imagine how such a rumor had got into circulation. Mr. Balfour expressed his great appreciation of Mr. Hughes' statement. He had never doubted that Mr. Hughes would take the view he had just stated, but the manner and words in which that view had been put before the committee had deeply moved him and he wished to express his thanks.

"After a discussion it was decided to appoint a subcommittee to investigate and report in regard to the question of extraterritoriality in China. In regard to this subject Mr. Wang Chung-Hui, Chief Justice of the Supreme Court of China, made a statement which will appear later.

"The committee then discussed the question of foreign post offices in China, the Chinese minister, Mr. Sze, making a statement which will subsequently be made public."

7. The session was adjourned, to meet Saturday, November 26, at 10.30 a. m.

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#### SEVENTH MEETING—SATURDAY, NOVEMBER 26, 1921, 11 A. M.

##### PRESENT

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Cartier, Mr. le Tellier.

*British Empire.*—Mr. Balfour, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. Tyau, Mr. Chao, Mr. Zee.

*France.*—Mr. Viviani, Mr. Jusserand. Accompanied by Mr. Masigli, Mr. Kammerer.

*Italy.*—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Cora, Mr. Fileti.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Ichihashi.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. E. Moresco. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, assisted by Mr. Osborne.

Mr. Camerlynck and Mr. Talamon, interpreters.

1. The Seventh meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Union Building at 11 a. m., November 26, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Viviani, Mr. Jusserand; for Italy, Senator Schanzer, Senator Rolandi Ricci, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. E. Moresco; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. Cattier, Mr. le Tellier; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for China, Dr. Tyau, Mr. Chao, and Mr. Zee; for France, Mr. Massigli, Mr. Kammerer; for Italy, Marquis Visconti-Venosta, Mr. Cora, Mr. Fileti; for Japan, Mr. Saburi, Mr. Kimura, Mr. Ichihashi; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general of the conference, assisted by Mr. Osborne, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

#### TIMES OF MEETINGS OF COMMITTEES AND SUBCOMMITTEES.

4. Acting upon the suggestion of Senator Underwood, it was decided to hold the meetings of the full committees in the mornings and the meetings of the subcommittees in the afternoons. The chairman (Mr. Hughes) stated that he would call the meetings of the committee promptly at 11 a. m.

Senator Underwood then announced that there would be a meeting of the subcommittee on Chinese revenue on Tuesday afternoon, November 29, at 3 p. m., if this were agreeable to the other delegations.

#### DISTRIBUTION OF INFORMATION RELATIVE TO POSSIBLE FUTURE CHINESE PROPOSALS.

5. The chairman said that it had been suggested that the representatives of China distribute, possibly the day before, any general or historical information which they might have relative to proposals they intended for presentation to the committee. If this were done it would enable the committee to discuss the matters more readily; otherwise the committee, after hearing such proposals, might frequently find it necessary to postpone discussion of them. Such procedure on the part of the Chinese delegation would, the chairman added, be greatly appreciated.



Mr. Sze said that it would give the Chinese delegates great pleasure to comply with this suggestion, in so far as it was possible, and that it was always a pleasure to meet any such requests addressed to them.

#### FOREIGN POST OFFICES IN CHINA.

6. In reply to the chairman's inquiry whether the Chinese delegation had any further material to offer in regard to the foreign post offices in China, Mr. Sze said that he had thought the committee had accepted the paper read and distributed the day before; he had nothing to add except that he believed the paper in question proved the adequacy of the Chinese postal service, and that it only remained for the committee to say that the foreign post offices in China would be removed at once.

Mr. Sze said that the attitude of the United States Government in regard to the matter and its willingness to give up its post offices in China had been indicated last year in a letter given to the Chinese delegation at the Madrid Postal Conference by the Assistant Postmaster General.

The chairman said that the action alluded to could only have indicated in a general sense the American policy; the United States Government was, however, ready to give up its post office at Shanghai, if the other Governments maintaining post offices in China took similar action.

The chairman expressed the belief that the committee was dealing with a question distinct from the others under consideration, in that the maintenance of post offices in China by foreign powers was not based on any treaty right or convention, though it had had, perhaps, the sanction of toleration, objection had always been reserved; it could be regarded as an assertion of authority on the part of the powers which was not consistent with the administrative autonomy of China. The information possessed by the American delegation, he said, was in accordance with the Chinese claims concerning the efficiency of the postal service; his individual understanding was that the situation around Canton did not affect the postal service throughout China, but he thought the committee should have some information on this point.

Mr. Sze replied that, in reference to this question, he desired to refer the committee to paragraph 4 of the memorandum submitted the preceding day by the Chinese delegation, which he then read. He added that the postal service had functioned throughout China under uniform supervision, and had not been disturbed by revolutionary activities; the year 1911 had been mentioned (in the memorandum) because that was the year of the first revolution; the postal service had not been interrupted since then—on the contrary, it had increased steadily; these facts, he believed, answered the chairman's inquiry.

The chairman said that he understood only four powers maintained post offices in China, namely, the United States, Great Britain, France, and Japan.

Mr. Root said that the question under consideration afforded an illustration of the way in which a number of questions presented themselves to the conference. The foreign post offices in China, he understood, were a growth from the diplomatic pouch and the

special Government messenger. The United States Government at present was maintaining a semiweekly messenger service between London and Paris, which had been of material assistance to him the last time he had been in Europe; it was natural, when conditions were disturbed and no regular mail service existed, that more use should be made of the Government service and the diplomatic pouch than when conditions were settled. Mr. Root said that, according to the evidence furnished to the committee, in place of the disturbed and irregular conditions which existed in China when the practice of having special messenger services arose and the system of pouches developed and enlarged until actual post offices were constituted, there was at present a regular and effective postal service. It was not a question, he said, of whether any nation should change its policy, but whether conditions which justified an enlarged messenger service 20 years ago still justified its maintenance. The same was true of extraterritoriality and the question of customs; he asked whether conditions had not so changed that foreign control in these matters was no longer justified. The whole committee, he said, was in agreement in its desire for a stable government in China, competent to maintain order and to discharge its international obligations; such a government must have the respect of the people of China, and it was questionable whether the people of China could respect a government which was not performing the public service. It seemed, therefore, that for the benefit of China, a change in a minor matter like the system of foreign post offices should be made.

Mr. Balfour said that Mr. Root had given a very accurate account of the manner in which the existing system of foreign post offices in China had grown up; unlike some other exceptional provisions in China, they were not based on treaties, but had grown up from the necessities of the foreign trading communities. It was clear, he thought, that existing conditions in China had not seriously, perhaps not at all, interfered with the efficiency of the postal service; this could perhaps hardly be considered true of the fiscal services, which had been interfered with by the prevailing condition of rebellion in the south and elsewhere. There was one important consideration, however, in connection with the question of giving up the foreign post offices which the Chinese had failed to mention; while it was true that the postal system was under Chinese sovereignty and was in no way interfered with, it owed a great deal of its efficiency to the fact that there was a Frenchman at the head of it, a man accustomed to western methods, and the present satisfactory condition of things was largely due to his influence. Mr. Balfour believed that, for the present, the aid and assistance of this codirector general of posts was almost essential to the proper working of the system; he did not know whether assurances were going to be given on this point. He did not mean to suggest that such an arrangement should be eternal—China might in time be able to operate the postal service without foreign assistance—but, for the present, it would be a hazardous experiment to deprive the Chinese postal service of the codirector general's aid and direction; it would be very unfortunate if, after the foreign post offices had been given up, the existing Chinese postal system should deteriorate; such a result would inevitably produce a demand by the

interested powers for a return, in some form, of the present arrangement.

Mr. Balfour said that Mr. Root had made some observations of great interest relative to the existing conditions in China and the method by which the committee could aid in helping China to governmental stability; he would be glad if the Chinese delegation would give the committee its views on the existing situation in China; there were vast provinces which owed no allegiance to the central Government, great armies existed independent of the central power, great sources of taxation were cut off from the central Government; this was a very unsatisfactory condition of affairs. Mr. Root was probably right in thinking that the powers could help China; the existing condition of things in China was, of course, transitory, but it had to be taken into consideration by the committee in connection with most questions relative to China; it did not, however, affect the question of foreign post offices. As concerned that, it was of the first importance that the Chinese postal service should not be allowed to deteriorate, as this would immediately bring about a resurgence of the demand for foreign post offices, and the best way to avoid that was some sort of assurance from the Chinese delegation that the presence of the present codirector general would be a permanent, though not an eternal, part of the postal system.

Mr. Viviani said that France had several post offices in China; the desires of China could, however, be acceded to under three conditions, namely:

(1) That all other foreign nations now maintaining post offices in China withdraw them.

(2) That the Chinese postal system should function well enough to make a return to the present system unnecessary.

(3) That the present codirector general should be retained.

Should these conditions be fulfilled, France, Mr. Viviani said, had no objection to withdrawing her post offices.

Mr. Hanihara said that, so far as the desires of the Chinese delegation were concerned, the Japanese delegation appreciated their reasonableness; apart from the question of whether the existence of foreign post offices in China was based on treaty rights or the expressed consent of China, it might be assumed that certain conditions had justified their establishment. Japan had no desire to perpetuate the system, and was very anxious to give satisfaction to the wishes of the Chinese Government by having the post offices withdrawn, but at the same time the Japanese delegation wished to take into consideration actual conditions and necessities. Information received by the Japanese delegation had convinced it that safety of communication in China was not assured, and on this ground there was some reason why the foreign post offices should not be withdrawn; as a practical measure it would be difficult to withdraw at once. The plain fact was that there were more Japanese in China, either residents or travelers, than there were nationals of any other foreign power—possibly 30 or 50 times as many—and their activities were more varied. Japan had no objection to the withdrawal of the foreign post offices under the guaranties suggested by Mr. Balfour and Mr. Viviani (which the Japanese delegation considered very necessary), but Japan asked that she be given time in order

that it might be seen that no necessity or justification existed for the continued maintenance of the system; as it became evident that conditions warranted, Japan would be prepared to withdraw her post offices.

Mr. Sze said that the Chinese delegation had listened with great interest and gratification to the expression of friendly sentiments on the part of the United States, France, Great Britain, and Japan. In reply to Mr. Root, it must be understood that the foreign post offices in China had greatly exceeded the limits allowed to diplomatic couriers; they competed seriously with the Chinese post offices and constituted a contravention of the administrative integrity of China; they acted as serious checks on the post office receipts and also the customs receipts; in particular there was some smuggling of drugs through the parcel post. It had been agreed by all the powers that the smuggling of drugs should be stopped, and the withdrawal of the foreign post offices would greatly facilitate the attainment of that aim.

In reply to Mr. Balfour's remarks, he wished to say that, if the codirector general of posts was not mentioned in the memorandum presented yesterday, it was not because China did not appreciate his services, but because the facts concerning him were so well known that it was considered unnecessary to mention him; his work was no less appreciated by China than that of Sir Robert Hart in originally organizing the postal service. He agreed with Mr. Balfour about the difficulties created by existing conditions; this was a subject which could be discussed at an appropriate time; but the Chinese people realized the difficulties facing them, difficulties which were increased by the great size of the country, the insufficient means of communication, the large population and the difficulties of the language; but the Chinese people were confident that they would solve these difficulties and evolve a strong and united government if their energies were not weakened by fears of foreign aggression, and if Chinese administrative autonomy was not interfered with.

Mr. Balfour had mentioned the efficiency of the postal service. It would not only be the pride of the Chinese people to maintain it, but to make it better. No color of right existed for the maintenance of the foreign staffs, but no revolutionary change was contemplated in the administration; present arrangements would continue, not eternally, of course, but so long as the efficiency of the service warranted. These statements, he believed, answered Mr. Viviani's remarks also.

As concerning what Mr. Hanihara had said that withdrawal of the post offices must depend upon security of transmitting mail, the chairman had already said that the efficacy of the postal service had not been diminished by the present actual conditions, as had been set forth under paragraph 4 of the memorandum submitted yesterday. Mr. Hanihara had said that Japan could not withdraw her post offices at once; he would like to know what period of time Mr. Hanihara had in mind before Japan would be ready to do so. The other three powers were ready to withdraw at once; it rested, then, upon Japan to make a decision. Furthermore, if Japan had any suggestions as to improvements in the postal service to make, the Chinese delegation would be glad to take them under consideration. He could not, however, accept Mr. Hanihara's statement that the great num-

ber of Japanese subjects in China justified the maintenance of post offices, because he was not aware of the existence of any principle in international law supporting such a contention. Mr. Sze added that he thought he had covered all the points raised, and asked whether there were any further questions.

Mr. Hanihara replied that Japan was prepared to withdraw her post offices if the other interested powers would do so and should conditions warrant it; he could not commit his Government to any promise that the withdrawal would take place at once; there were objections to an immediate withdrawal and a certain reasonable time must be allowed; it was very difficult to decide here whether conditions justified such a step, as there was not sufficient familiarity with actual conditions in China; it might be best to agree on a broad principle that foreign post offices should be withdrawn under certain conditions. He suggested that the question might be referred for decision to the ministers of the various interested powers at Peking, who were in a better position to know what was a reasonable and proper time limit.

Mr. Hanihara continued that, in regard to the number of Japanese nationals in China, he had meant to say that if there were conditions which justified the establishment and existence of foreign post offices in China, there were reasons for Japan's having a larger number, because there were a larger number of Japanese people, more widely scattered, than of nationals of other powers; he had been pointing out a fact, not stating a principle.

The chairman remarked that, according to his impression of what had been said, he saw no disposition to negative broadly the Chinese proposal; there seemed to be no desire to discuss any question of principle nor to assert a right. The matter had been reduced to the practical considerations under which withdrawal could take place as follows: (1) That all Governments maintaining post offices should deal with the subject at the same time and in the same manner; (2) that whatever was done should be done upon the assumption that an efficient postal service would be maintained; (3) that an assurance should be given by China (which he understood had been given) that no change was to take place in the administration of the postal services, including the retention of the present efficient codirector general of posts.

The chairman added that, if he had understood Mr. Sze correctly, there was perfect willingness on the part of China to meet these conditions. This brought the matter down to a question of time. He did not understand that the Japanese delegation desired to protest the principle of the withdrawal of the post offices, but that it desired assurances in regard to the security of transmission of the mails and the efficiency of the administration. This brought the discussion down to a narrow point. Discussion by the representatives of the other powers present was not precluded, but he suggested that a subcommittee consisting of representatives of the four powers directly interested, together with a representative of China, should draft a Resolution bringing down the question of time to as satisfactory an arrangement as possible.

Mr. Viviani accepted Mr. Hughes's suggestion, but asked on behalf of the French delegation that the Resolution should be ready for the next session.

Mr. Sze said his original intention had been to submit a Resolution calling for the immediate withdrawal of the foreign post offices, but, as an indication of their readiness to cooperate, the Chinese delegation was willing to accept the chairman's suggestion.

The chairman pointed out that his suggestion was intended to facilitate settlement and was not in opposition to China's desires in the matter. He added that Sir Auckland Geddes had made a suggestion which might be of assistance—namely, that the ministers of the four interested powers at Peking might be entrusted to make recommendations to their respective Governments as to the time and method to be followed in putting into effect the resolutions adapted and to supervise their execution throughout the transition period.

Mr. Sze thought the question should be settled here; he had answered in regard to the security of communication in China and had given assurances relative to the administration of the postal service; three of the four Governments interested had accepted these explanations; nothing therefore remained but to make a statement of the principle arrived at. He reminded the committee of the fact that there were already Chinese post offices wherever foreign post offices were maintained.

#### APPOINTMENT OF SUBCOMMITTEE TO DRAFT RESOLUTIONS CONCERNING WITHDRAWAL OF FOREIGN POST OFFICES IN CHINA.

7. The chairman said that the suggested appointment of a subcommittee contained nothing inimical to the Chinese proposal; it would be best to appoint such a subcommittee which would submit a Resolution at the next meeting of the committee.

General assent being given to this suggestion, the following delegates were named by the various delegations as their representatives on the subcommittee to draft resolutions relative to the withdrawal of the foreign post offices in China: For the United States, Senator Lodge (chairman); for the British Empire, Sir Auckland Geddes; for China, Mr. Sze; for France, Mr. Viviani (with permission to send a substitute if prevented from attending); for Japan, Mr. Hanihara.

#### SUBCOMMITTEE ON EXTRATERRITORIALITY.

8. Senator Lodge said it would be necessary for the subcommittee on extraterritoriality to meet that afternoon, and suggested 3 o'clock in the Governors' Room. This was assented to.

The chairman announced the membership of the subcommittee on extraterritoriality, as follows: For the United States, Senator Lodge (chairman); for Belgium, Chevalier de Wouters; for the British Empire, Senator Pearce; for China, Dr. Wang; for France, Mr. Sarraut; for Italy, Senator Ricci; for Japan, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek; for Portugal, Capt. Vasconcellos.

Senator Lodge said that the subcommittee would meet Monday next, November 28, at 10 a. m.

The chairman announced that the members were privileged to be accompanied by one secretary and one technical adviser.

## AGENDA AND PROCEDURE AT NEXT MEETING.

10. In answer to the chairman's inquiry whether it was desired to take up other matters, Mr. Viviani said that as the next question to be discussed was rather serious the agenda for the meeting on Monday and the method of procedure might be determined on.

Mr. Sze said he would continue with the subjects under the fifth Chinese proposal; he would submit a resolution relative to foreign troops, foreign police boxes, foreign railway guards, and foreign electrical communications in China; he would be glad if any of the delegations had any suggestions to offer.

The chairman asked whether Mr. Sze would furnish any material to aid the delegates in their consideration of the subject to be discussed.

Mr. Sze replied that there would be only a brief resolution, which would be circulated as soon as possible, perhaps that afternoon.

11. It was decided to give the following statement to the press:

## STATEMENT TO THE PRESS.

"The Committee on Pacific and Far Eastern Questions met in the Pan American Building at 10.30 a. m., Saturday, November 26, 1921. The committee discussed the matter of foreign post offices in China, and it was the sense of the committee that there should be a withdrawal of the foreign post offices in China as soon as it appeared that conditions warranted. A subcommittee, composed of Senator Lodge, Sir Auckland Geddes, Mr. Viviani, Mr. Hanihara, and Mr. Sze, was constituted to draw up a resolution to this effect for submission to the full committee at its next session. This subcommittee will meet at 3 o'clock this afternoon.

The committee on extraterritoriality proposed at yesterday's meeting will be composed of the following delegates: United States of America, Senator Lodge; British Empire, Senator Pearce; France, Mr. Sarraut; Italy, Senator Ricci; Japan, Mr. Hanihara; Belgium, Chevalier de Wouters; China, Dr. Chung-Hui Wang; The Netherlands, Jonkheer van Karnebeek; and Portugal, Capt. Vasconcellos."

The committee then adjourned, to meet on Monday next, the 28th, at 11 o'clock a. m.

## EIGHTH MEETING—MONDAY, NOVEMBER 28, 1921, 11 A. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. MacMurray, Mr. Wright.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Cattier, Mr. le Tellier.

*British Empire.*—Mr. Balfour, Sir Auckland Geddes, Senator Pearce (for Australia), John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. Tyau, Mr. Chao, Mr. Zee.

*France.*—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Cora, Mr. Giannini.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Sabura, Mr. Kimura, Mr. Saito.

*Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general. Accompanied by Mr. Paul.

Interpreters, Mr. Camerlynck and Mr. Talamon.

The Committee on Pacific and Far Eastern Questions held its eighth meeting at 11 o'clock Monday, November 28, 1921, in the Columbus Room of the Pan American Union Building. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, and Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), and Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, and Mr. Wang; for France, Mr. Viviani, Mr. Sarraut, and Mr. Jusserand; for Japan, Admiral Baron Kato, Prince Tokugawa, and Mr. Hanihara; for Italy, Senator Schanzer and Senator Albertini; for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Brokland, and Dr. Moresco; for Portugal Viscount d'Alte and Capt. Vasconcellos; and the secretary general, accompanied by Mr. Paul. The interpreters, Mr. Camerlynck and Mr. Talamon, were also present.

The delegates were accompanied by the following secretaries and experts: For the United States, Mr. MacMurray and Mr. Wright; for Belgium, Mr. Cattier and Mr. le Tellier; for the British Empire, Sir Maurice Hankey and Mr. Lampson; for China, Dr. Tyau, Mr. Chao, and Mr. Zee; for France, Mr. Kammerer and Mr. Massigli; for Japan, Mr. Sabura, Mr. Kimura, and Mr. Saito; for Italy Marquis Visconti-Venosta, Mr. Cora, and Mr. Giannini; for the Netherlands, Jonkheer van Starckenborgh and Mr. de Kat Angelino.

The chairman, Mr. Hughes, at the outset of the meeting called attention to the inaccurate and damaging press report which had been cabled abroad, in order that its unfortunate character, inaccuracy, and even falsity might be noted. He referred to the report that during the discussion in the committee regarding land armament Mr. Briand had made statements of an offensive character regarding the Italian Army; and that the representative of Italy has not appropriately resented the statement.

The chairman said that, as every member of the committee knew, this report was absolutely false; that it was made out of the whole cloth; that Mr. Briand had said nothing whatsoever reflecting upon the Italian Government or the Italian Army; and that the entire report had no basis whatever in fact. It seemed to be advisable that the chairman of the conference should make this statement in order that appropriate note might be made of it.

In reply to the statement of the chairman, Mr. Viviani, speaking on behalf of France, said that he thanked the chairman for his kindness in adding, with his high authority, his denial to that of Senator Schanzer and himself. Coming from the chairman's lips, this denial had the greatest authority. Not only had the debate



been always courteous, but at no moment did it go beyond the bounds of becoming intensity, which, as a matter of fact, is perfectly legitimate, even between allies when they have before them questions of the highest importance. It was perfectly certain a priori that Mr. Briand would never have said such things as had been put into his mouth. How could he have done so when the closest bonds of friendship exist between the two countries? France and Italy had always been friends, and Frenchmen could never forget the great extent of their cultural and spiritual debt to Italy. The blood of the two peoples had flowed on the same battlefields for the same cause. If such an incident were indeed to take place, Mr. Viviani begged the delegates not to allow themselves to be influenced by it. They had assembled here for the good of humanity, and nothing should be allowed to turn them aside from the goal which they had set themselves and which must be reached in unbroken harmony.

Senator Schanzer then cordially thanked the Secretary of State for his fortunate idea in making this statement, which, he said, was quite necessary, since certain persons outside of the conference had made use of the press to disturb the good relations existing between the countries represented there. He was delighted that the chairman had used his high authority to close the unfortunate incident for all time, and expressed thanks to Messrs. Viviani and Briand for their sentiments of friendship for Italy, which were so well known to everyone. He wished to state again that Italy cherished only the most cordial feelings toward France, and he was sure that he would be able to continue in the work of the conference in an unchanged atmosphere of cordiality toward France and all the other countries represented.

The committee unanimously approved the statement of the chairman, Mr. Viviani and Senator Schanzer expressing their particular gratification.

The chairman said that the first matter before the committee was the report of the subcommittee appointed to draft the resolution on the subject of foreign post offices in China.

Senator Lodge, chairman of the subcommittee, said that in drawing up the resolution, reservations had been made as to the actual date of the withdrawal of foreign post offices from China, pending the arrival of instructions from the Japanese Government. The resolution in its original form had read as follows:

"RESOLUTION.

"Recognizing the justice of the desire expressed by the Chinese Government to secure the abolition of foreign postal agencies in China, save or except in leased territories, or as otherwise specifically provided by treaty, it is resolved:

"(1) The four powers having such postal agencies agree to their abandonment subject to the following conditions:

"(a) That an efficient Chinese postal service is maintained.

"(b) That an assurance is given by the Chinese delegation that they contemplate no change in the present postal administration or in the status of the foreign codirector general.

"(2) (a) To enable China and the powers concerned to make the necessary dispositions, this arrangement shall come into force and effect not later than ———

"(b) Pending the complete withdrawal of foreign postal agencies, the four powers concerned severally undertake to accord full facilities to the Chinese customs authorities to examine in those agencies all postal matter passing through them, with a view to ascertaining whether they contain articles which are dutiable or contraband, or which otherwise contravene the customs regulations or laws of China."

Senator Lodge went on to say that one small amendment had been proposed by the Japanese technical experts, who were of the opinion that in paragraph 2, clause (b), the words "excepting ordinary letters" should be inserted after "all postal matter." Mr. Lodge then asked whether the committee cared to pass on this proposed amendment exempting "ordinary letters" from examination by the Chinese customs authorities.

Mr. Viviani said that France concurred in this amendment in so far as it did not affect leased territory, and that he understood the inability of the Japanese delegation to agree to a fixed date for the withdrawal of post offices without instructions from their Government. He had been informed, however, that after the close of the meeting of the subcommittee, and the departure of the French representative, a provision had been adopted for the examination by Chinese officials of "all postal matter". France would have supported the Japanese delegation in insisting on a reservation regarding ordinary letters.

The chairman proposed that the committee first discuss the amendment proposed by the Japanese experts, and then pass on the draft of the resolution, the reservation as to date to be dealt with later.

Senator Lodge said that he personally saw no objection to the amendment as proposed by the Japanese experts, if it were properly guarded. From his knowledge of customs administration, however, he knew that postal matter in letter form was frequently used for smuggling lace and other articles of small bulk. He therefore suggested that the words "which upon external examination appear plainly to contain only written matter" be inserted after the words "except ordinary letters".

The chairman asked whether the committee should now proceed with the discussion of this amendment.

Mr. Viviani signified the acceptance of the French delegation.

Mr. Sze said that experience had shown that cooperation between the foreign post offices and the Chinese Post Office had been extremely difficult. Not only had the legitimate revenues of the Chinese post office and Customs House been interfered with, but considerable quantities of dangerous drugs, such as opium, cocaine, and heroin, had been smuggled into China by letter. This had been a great cause of anxiety to his Government; but it was felt that the friendly assistance of the powers could in future be relied upon in instructing their postal authorities fully to co-operate with the Chinese authorities in preventing the smuggling of these drugs, which are forbidden by the Hague Opium Convention. With

this understanding, Mr. Sze concluded, China accepted the amendment.

The Belgian, Italian, and British Empire delegations also indicated their approval.

Mr. Hanihara asked whether the amendment proposed by Senator Lodge made it clear that the phrase "ordinary letters" did not include diplomatic and consular letters.

The chairman suggested that the phrase should read "ordinary letters, whether registered or not". This suggestion was accepted and the amendment approved by all present.

Mr. Koo said that although he had no extended observations to make, he would like to ask a question. Clause (b), paragraph 1, of the resolution read "that an assurance is given by the Chinese delegation that they contemplate no change in the present postal administration or in the status of the foreign codirector general." This, he assumed, might conceivably prevent amelioration of the postal system which might become necessary; he therefore suggested the insertion of the word "fundamental" before "change." Mr. Koo also proposed the substitution of "system of postal administration" for "postal administration." This would not preclude a change of directors at the discretion of the Chinese Government.

Mr. Balfour admitted that he was impressed by the arguments put forward by Mr. Koo. He felt that clause (b), paragraph 1, as at present drafted, appeared based on the assumption that the Chinese Postal Administration was incapable of change for the better. That seemed to be going too far. He suggested that the following draft would correctly state the intentions of the committee:

"That an assurance be given by the Chinese Government that they contemplate no change in the present postal administration, so far as the status of the foreign codirector general is concerned."

Senator Lodge said that he approved the amendment suggested by Mr. Balfour, but that he most seriously objected to the insertion of the word "fundamental," as this would lead on to the dangerous ground of adjectives.

Mr. Koo accepted Mr. Balfour's amendment.

A vote was then called by the chairman, and the resolution was unanimously adopted, subject to the matter of date, which was sent back to the subcommittee to report.

Mr. Hanihara referred to the slowness of the Pacific cables, and said that this would probably cause a delay in the receipt of the instructions asked for.

Mr. Viviani then proposed the organization of a standing drafting committee, formed of the secretaries general of all the delegations, for the purpose of formulating resolutions. This, he felt, would save a great deal of time, and also obviate to a considerable extent the necessity of increasing the already large number of subcommittees.

Jonkheer van Karnebeek agreed with Mr. Viviani that the constitution of a standing drafting committee would be advisable. Referring, however, to the procedure of the first Hague Peace Conference, which Jonkheer van Karnebeek believed was also followed in the second conference, he suggested that the drafting committee be composed of delegates instead of secretaries, as proposed by Mr. Viviani.

The chairman agreed that the theory of Mr. Viviani's suggestion was admirable; but he felt with Jonkheer van Karnebeek that situations would constantly confront the drafting committee which would call for the exercise of greater authority than that possessed by the Secretaries General. He therefore favored the selection of delegates for the committee.

Mr. Viviani accepted this suggestion, with the understanding that substitutes might be sent if the delegates were very busy.

The chairman said that in all subcommittees it was permissible to withdraw or substitute as the heads of delegations might see fit. The resolution was, then, that there should be a standing subcommittee on the drafting of resolutions, constituted of a representative of each delegation, with power of substitution.

The resolution was unanimously accepted.

The chairman then asked for a report of the subcommittee on extraterritoriality.

Senator Lodge said that the subcommittee had met that morning and agreed to a resolution covering the chairman's instructions. Two matters had been raised, however, which seemed to require further instructions. The first involved a separate resolution providing for the adhesion of other powers having extraterritorial treaties with China; the second was in regard to the representation of China in, or before, the proposed Commission of Jurists. He hoped that the subcommittee might meet that afternoon and complete its work.

The chairman said that the committee accepted this report of progress. Heading 5 of the Chinese proposals had not yet been disposed of: What was the next subject?

Mr. Sze regretted that some of the papers sent out from his delegation for the use of other delegates had apparently failed to reach their destinations, and wished to know whether he should proceed to read his statement regarding foreign troops in China.

The chairman suggested that, although he did not wish to seem to impose any limitations, a résumé of the substance of Mr. Sze's statement might suffice.

Mr. Viviani proposed that as Mr. Sze had provided copies of his statement in English, valuable time might be saved by having it translated immediately into French for the benefit of those delegates who were not conversant with English.

Mr. Camerlynck then translated into French the following text of Mr. Sze's statement:

"GENTLEMEN: At the session held on November 21, the conference declared that it was the firm intention of the powers represented to respect the sovereignty, the independence, and the territorial and administrative integrity of China; and to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

"It will have already appeared that, in application of these two principles, China is asking not merely that existing treaty or conventional limitations upon the autonomous and unembarrassed exercise by her of her territorial and administrative powers should be removed as rapidly and as completely as circumstances will justify, but that conditions shall be corrected which now constitute a continuing violation of her rights as an independent State. The propo-

sition that these limitations upon the exercise of her sovereign powers should be progressively removed was stated in principle No. 5 which the Chinese delegation presented to the conference on November 16, and applications of it are seen in the propositions that have been made to the conference with reference to extraterritorial rights and to tariff autonomy.

"A specific illustration of a violation of China's sovereignty and territorial and administrative integrity, as distinguished from limitations based upon agreements to which China has been a party, was presented to the conference for correction last week and had to do with the maintenance of foreign postal services upon Chinese soil.

"This morning it is the desire of the Chinese delegation to bring before you, for correction in accordance with the controlling principles which you have already affirmed, several other instances of subsisting violations of China's sovereignty and territorial and administrative integrity. These relate to the maintenance upon the Chinese territory without China's consent and against her protests, of foreign troops, railway guards, police boxes and electrical wire and wireless communication installations.

"I shall not exhaust your patience by enumerating all of the specific instances of these violations, for I shall not ask merely that each of these violations be specifically discountenanced, for this would not give complete relief to China since it would not prevent other similar violations in the future. In behalf of the Chinese Government I therefore ask that this conference declare, as a comprehensive proposition, that no one of the powers here represented—China of course not included—shall maintain electrical communication installations, or troops, or railway guards, or police boxes upon Chinese soil, except in those specific cases in which the powers desiring to do so may be able to show by affirmative and preponderant evidence and argument, that it has a right so to do so much as can be defended upon the basis of accepted principles of international law and practice and with the consent of the Chinese Government.

"No argument by me is needed to show that this conference stands committed to the declaration which I now ask, by the principles which were adopted on November 21. Should any one of you consider the possibility of foreign troops or railway guards, or police boxes, or electrical communication installations being maintained upon the soil of your own country without the consent of the Government which you represent, your feelings of justice and your sense of the dignity due to your own State, would make evident to you the propriety of the joint declaration which China now asks you to make in her behalf. The proposition surely stands self-evident that, if a nation assents a right to maintain troops, or guards, or police, or to erect and operate systems of communication upon the soil of another State, whose sovereignty and independence and territorial and administrative integrity it has just solemnly affirmed and obligated itself to respect, upon that State should lie a heavy burden of proof to justify so grievous an infringement of the rights of exclusive territorial jurisdiction which international law as well as a general sense of international comity and justice, recognizes as attaching to the status of sovereignty and independence.

"In behalf of my Government and the people whom I represent, I therefore ask that the conference give its approval to the following proposition:

"Each of the powers attending this conference hereinafter mentioned, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal, severally declare that, without the consent of the Government of China, expressly and specifically given in each case, it will not station troops or railway guards or establish and maintain police boxes, or erect or operate electrical communication installations, upon the soil of China; and that if there now exist upon the soil of China such troops or railway guards or police boxes or electrical installations without China's express consent, they will be at once withdrawn."

The chairman asked whether any discussion was desired.

Mr. Hanihara said that he wished to study the proposition first, as it was very complicated. He suggested that it would be most valuable to the whole conference, if subjects such as that proposed by Mr. Sze could be announced in advance, as impromptu discussion of these matters could hardly be fruitful.

Mr. Viviani said that some definite procedure for the future must be adopted. It would be impossible for France to take part unprepared in a discussion of such important matters, involving as they did numerous points of great individual significance, all of which should be examined separately. He asked whether, in the interests of the conference, his Chinese colleagues could not submit documents in advance, and prepare a definite statement on each of the several points raised by them—foreign troops, police boxes, etc. He also inquired if the Chinese delegation could not furnish at least some documents that evening in preparation for tomorrow's discussion.

The chairman agreed that the suggestion was a pertinent one, and suggested that the Chinese delegates should submit a case, so to speak, on each point raised. The conference would only lose time by attempting to discuss anything that it was not ready to discuss.

Mr. Sze said that Mr. Viviani's suggestion was quite practical and coincided with the Chinese view. Nothing could have been farther from the wishes of the Chinese delegation than to try to force discussion without giving proper time or material for such discussion, and he hoped that M. Viviani would accept this assurance. The reason why the subjects of foreign troops, wireless, and foreign police had been grouped together was because they all fell under the same line of objections. It might be well to take them up all at the same time instead of having each topic considered separately. The Chinese delegation, however, has no desire to withhold anything from this committee. Mr. Sze asked permission of the secretary general to send the documents asked for directly to the respective delegations.

Mr. Balfour asked whether the documents could not also be circulated in French.

Mr. Viviani stated that he appreciated this tribute to his mother-tongue, but he felt that its prestige and that of the principles agreed upon by the conference would not be imperiled by the failure to receive these documents in French. For the sake of saving time it would suffice to have the Chinese documents circulated in English, leaving the French delegation to take care of the translation.

Senator Lodge suggested that the subcommittee on extraterritoriality should meet that afternoon and consider what further steps remained to be taken.

The chairman then stated that the meeting of this subcommittee should be held at 4 o'clock that afternoon. In reply to a question, he also stated that the subcommittees were not supposed to issue announcements direct to the press, but should report instead direct to the committee as a whole.

It was agreed that an announcement should be issued to the press embodying the statements of Mr. Hughes, Mr. Viviani and Senator Schanzer relative to the alleged incident between the heads of the French and Italian delegations, and making public the resolution of the committee regarding foreign post offices in China, which, in its final form, read as follows:

"A. Recognizing the justice of the desire expressed by the Chinese Government to secure the abolition of foreign postal agencies in China, save or except in leased territories or as otherwise specifically provided by treaty, it is resolved:

"(1) The four powers having such postal agencies agree to their abandonment subject to the following conditions:

"(a) That an efficient Chinese postal service is maintained;

"(b) That an assurance is given by the Chinese Government that they contemplate no change in the present postal administration so far as the status of the foreign codirector general is concerned.

"(2) To enable China and the powers concerned to make the necessary dispositions, this arrangement shall come into force and effect not later than ———.

"B. Pending the complete withdrawal of foreign postal agencies the four powers concerned severally undertake to afford full facilities to the Chinese customs authorities to examine in those agencies all postal matter (excepting ordinary letters, whether registered or not, which upon external examination appear plainly to contain only written matter) passing through them, with a view to ascertaining whether they contain articles which are dutiable or contraband or which otherwise contravene the customs regulations or laws of China."

The committee then adjourned, to meet again on Tuesday, November 29, at 11 a. m.

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#### NINTH MEETING—TUESDAY, NOVEMBER 29, 1921, 11 A. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Le Tellier, Mr. Jadot, Mr. Cattier.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Dr. Tyau, Mr. Chao, Mr. Zee.

*France.*—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Massigli, Mr. Kammerer.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Cora, Mr. Fileti.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara, Accompanied by Mr. Kimura, Mr. Saburi, Mr. Ichihashi.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general, assisted by Mr. Pierrepont.

Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The ninth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Union Building at 11 a. m., November 29, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), and Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for Belgium, Mr. le Tellier, Mr. Jadot, Mr. Cattier; for China, Dr. Tyau, Mr. Chao, and Mr. Zee; for France, Mr. Massigli, Mr. Kammerer; for Italy, Marquis Visconti-Venosta, Mr. Cora, and Mr. Fileti; for Japan, Mr. Kimura, Mr. Saburi, Mr. Ichihashi; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general of the conference, assisted by Mr. Pierrepont, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

#### FOREIGN TROOPS, POLICE, AND WIRELESS INSTALLATION IN CHINA.

4. The chairman, Mr. Hughes, stated that it was the intention to proceed with the resolutions prepared by the subcommittee on extra-territoriality, and as the final draft was not before the committee at the moment, he would suggest continuing in the regular order, and asked Mr. Sze whether he was ready to proceed with the statement he had agreed to distribute relating to the presence of foreign troops, police, and wireless installations in China, etc.

5. Mr. Sze replied that the Chinese delegation had, to the best of its ability, distributed copies of the memorandum in question the previous evening, as follows:



## CHINESE MEMO RE FOREIGN TROOPS, POLICE, AND WIRELESS INSTALLATIONS.

## "DATA REGARDING FOREIGN TROOPS, POLICE BOXES, RAILWAY GUARDS, AND ELECTRICAL INSTALLATIONS IN CHINA WITHOUT HER CONSENT.

"The Chinese delegation herewith submits such data as it has with reference to the presence upon Chinese soil, without China's consent, of foreign troops, police boxes, railway guards, and electrical installations.

"This data is furnished for the convenience of the conference. Because of changes constantly occurring, its present complete accuracy can not be guaranteed.

"This data is furnished simply in order to show the extent to which China's territorial and administrative integrity is now being violated, and not as implying that the Chinese Government will be contented with the abatement of these specific violations of her sovereign rights; for China, as declared in the resolution which it has proposed, desires that there should be a general or comprehensive declaration upon the part of the powers represented in this conference that, without China's consent, expressly and specifically given in each case, they will not maintain troops or police boxes, or railway guards or electrical installations upon China's soil, with the result that upon the powers will lie the burden of establishing their right to do so in each case in which they may assert a right or claim to maintain upon China's soil such troops, police boxes, railway guards, or electrical installations.

"The resolution proposed by the Chinese delegation will not affect the rights of the powers obtained under the protocol agreement of 1901, nor their right to maintain police forces in their various municipal settlements and concessions. If, as to these matters, any revision should be desired, separate discussion or negotiation may be had.

## "TENTATIVE LIST OF FOREIGN TROOPS, POLICE BOXES, AND RAILWAY GUARDS IN CHINA.

"*Japanese garrison.*—In Shantung four battalions, of an average numerical strength of 525 men, are stationed along the Tsingtao-Tsinan Railway, headquarters being Tsingtao, Kaomi, Fangtze, and Tsinanfu. There is also a force of gendarmerie.

"In Hankow one battalion is usually maintained, together with detachments of special troops.

"One full division is usually maintained in Manchuria, headquarters being established as follows: (April 1, 1921)—

Division Headquarters	-----	Liaoyang.
Brigade Headquarters	-----	Tiehling.
Infantry Headquarters	-----	Liaoyang.
Infantry Headquarters	-----	Tiehling.
Brigade Headquarters	-----	Harbin.
Infantry Headquarters	-----	Port Arthur.
Infantry Headquarters	-----	Harbin.
Cavalry Headquarters	-----	Kungchuling.
Artillery Headquarters	-----	Haicheng.

"The Japanese troops which are withdrawn from Baikal are stationed along the Chinese Eastern Railway. (This statement is taken from Lin Yen's *The Diplomatic History between China and Japan*.) Japan has also stationed 16 independent battalions of guards along the line, each composed of 21 officers and 617 rank and file. (From *Japan Year Book 1920-1921*.) Japan is said to maintain these railway guards in conformity with Article III of the Portsmouth treaty of peace which says that 'the high contracting parties reserve to themselves the right to maintain guards to protect their respective railway lines in Manchuria. The number of such guards shall not exceed 15 per kilometer and within that maximum number, the commanders of the Japanese and Russian Armies shall, by common accord, fix the number of such guards to be employed, as small as possible, having in view the actual requirements.' But these provisions were not assented to by China in 1905. In March, 1921, there were still several thousand Japanese soldiers in Hunchun. (See Lin Yen's *The Diplomatic History between China and Japan*.)

*"Japanese police in China.*—In 1917, the number of police agencies in Manchuria, as reported by the local authorities of Fengtien and Kirin Provinces, has reached 27. As a result of the Chengchiatun fracas and Hunchun affair, Japan established police stations in these places. According to the October 1 issue of the Millard's Review for 1921, the ministry of foreign affairs is in receipt of a telegram from the commissioner of foreign affairs at Swatow to the effect that the Japanese consul there is very active in increasing the Japanese police.

"At Amoy a police station was established by Japan in December, 1916. The Chinese Government lodged a strong protest against this illegal action on the part of Japan, but Japan has never withdrawn the police station.

**"ABOLITION OR SURRENDER TO THE CHINESE GOVERNMENT OF ALL  
FOREIGN ELECTRICAL MEANS OF COMMUNICATIONS.**

"1. The Chinese Government ask that the conference take action that will lead to the immediate abolition or surrender to the Chinese Government of all electrical means of communication, including wireless stations, now maintained on Chinese soil without the consent of the Chinese Government.

"2. By an instructional order dated April 18, 1915, in the fourth year of the Republic of China, the Regulations Affecting Electrical Means of Communication were put into force. Articles 1 and 2 of these regulations provide that all telegraphs and telephones, whether wired or wireless, shall be included in the term "Electrical means of communication" and all electrical means of communication shall be owned and controlled by the State. Consequently, no one has the right to establish any electrical means of communication upon Chinese territory without the sanction of the Chinese Government.

"3. The following is a tentative list of foreign wireless installations now in China without her consent.

"TENTATIVE LIST OF FOREIGN WIRELESS INSTALLATIONS IN CHINA  
WITHOUT HER CONSENT.

Japan:

1. Peking (Japanese legation) ----- Chihli
2. Chinwangtao ----- Chihli
3. Tientsin ----- Chihli
4. Harbin (Russian ordered) ----- Manchuria
5. Manchouli ----- Manchuria
6. Kungchuling ----- Manchuria
7. Lungtsintsung ----- Manchuria
8. Dalny (Kwangtung leased territory) ----- Manchuria
9. Tsinan ----- Shantung
10. Tsingtao (Chinese and German) ----- Shantung
11. Hankow ----- Hupeh

French:

1. Shanghai (French settlement) ----- Kiangsu
2. Kwangchow-wan (leased territory) ----- Kwangtung
3. Yunnanfu ----- Yunnan
4. Tientsin ----- Chihli

British:

1. Hongkong (Kowloon leased territory).
2. Kashgar ----- Sinkiang

United States:

1. Peking (American legation) ----- Chihli
2. Tientsin ----- Chihli
3. Tangshan ----- Chihli

NOTE: Great Britain also had a station at Hongkong proper. There are also radio stations fitted for receiving only. (See China Year Book, 1921-22, p. 507.)

"TENTATIVE LIST OF FOREIGN WIRE TELEGRAPHS IN CHINA (NOT SANCTIONED BY THE GOVERNMENT).

"Japanese:

- "Peking.
- "Tientsin.
- "Fourteen stations along the Shantung Railway.
- "Thirty-four stations along the Southern Manchurian Railway.
- "Other telegraph and telephone lines in Changchun, Hunchun, and Yenki.

"Russian:

- "Along the Chinese Eastern Railway and connected with the telegraph wires at the Russian frontier.

"All of the arguments that have been presented in favor of the immediate abolition of foreign postal stations apply with equal force to the abolition or surrender to the Chinese Government of these foreign electrical means of communication. Just as China has built up a highly efficient postal system capable of transporting with speed and safety written communications between China and foreign countries and between important points within China so she has developed a system of telegraph stations adequate for the transmission of communications by wire, or between different parts of China, and has entered into contracts for the installation of high powered

wireless apparatus which will put her into communication with other countries. She already has a number of lower-powered wireless stations for wireless communication between points within China. There is thus no need for the maintenance in China by other countries of wire or wireless installations. Their operation not only seriously interferes with the continued development of the Chinese system by diverting from it business properly belonging to it but represents an indefensible infringement of China's territorial and administrative integrity. To the foreign powers maintaining them they can have no significance except as they may seem to serve their purely political aims. Since these powers have now affirmed their intention of doing nothing that will infringe upon the political, territorial, or administrative integrity of China, it is to be expected that they will discontinue the maintenance of the stations to which China has not given her consent.

"Since certain of these stations represent the investment of considerable sums of money, China, though recognizing no legal obligation to do so, is willing to pay to the foreign governments owning them the fair value of such stations as are of such a character or are so located that they can be made effective parts of her own systems of electrical communications.

**"FACTS ABOUT JAPANESE POLICE IN MANCHURIA, NOVEMBER, 1921.**

"The Japanese police found in Manchuria are of the following kinds:

"(1) According to locality:

"(a) Those stationed within the leased territory of Liaotung Peninsula.

"(b) Those stationed along the South Manchurian Railway and within the railway zone.

"(c) Those established within the Japanese consulates.

"(d) Those stationed in nonopen ports.

"(2) According to jurisdiction:

"(a) Those under the immediate jurisdiction of the office of the Wuantung leased area.

"(b) Those under the jurisdiction of the Japanese foreign office.

"(c) Those under the office of the Governor-General of Korea.

"(d) Those under the command of the commander in chief of Kuantung leased areas.

"(e) Those under the control of the South Manchurian Railway.

"*Origin of Japanese Police in Manchuria.*—In May, 1904, during the hostilities between Russia and Japan in Manchuria, a civil administration department was established by the Japanese command for the "occupied" districts.

"In the following month a similar department was established for the whole of Liaotung Peninsula, and with it a police bureau. Branch offices of the civil administration department were established in Port Arthur and Kingchow; sentry boxes (p' ai ch' u so) of these branches were established in Liushutun, Pulantien, and Pitzewo.

"Since 1905, police stations and branch stations have been established along the South Manchurian Railway, in violation of both law

and treaty. In 1915, in virtue of the new treaty between China and Japan, sentry boxes of police stations belonging to the South Manchurian Railway were established in such unopened points as K'ai-p'ing, Taolu, Pamiench'-eng, Ch'angt'u, and Chengchiatun, with Japanese police. In addition, there are numerous gendarmerie under the command of the commander in chief of the Kuantung leased area, also special police of the South Manchurian Railway Company, who exercise functions similar to those of the Japanese police.

"As in Japanese consulates in other parts of China, there are attached to the Japanese consulates in Manchuria, secret police. Finally, there are also Korean police officers under the immediate jurisdiction of the Governor General of Korea.

*"Distribution of Japanese Police in South Manchuria according to Localities and Personnel.*

(A) 1. Police stationed within the Kuantung leased area :

a. Police of police department of the civil administration's office .....	24
b. Police of the police training bureau .....	13
c. Police of the civil office of Port Arthur .....	143
d. Police of the civil office of Dalny .....	349
e. Police of the civil office of Kingchow .....	83
f. Police of the civil office of Pulantien .....	100
g. Police of the civil office of Pitzewe .....	99

811

2. Police of the Kuantung leased area within the zone of the South Manchurian and Antung-Mukden railways:

	Sentry boxes.	Men.
a. Police of the police department at Yingkow .....	5	53
b. Police branch office at Tashihchiao .....	10	17
c. Police branch office at Wafangtien .....	9	33
d. Police department, Liaoyang .....	6	39
e. Police branch office, Anshan .....	8	59
f. Police department, Mumden .....	18	100
g. Police branch office, Pencilhu .....	12	40
h. Police branch office, Fushuh .....	18	50
i. Police department, Tiehling .....	5	32
j. Police branch office, Kaiyuan .....	9	47
k. Police department, Changchun .....	13	103
l. Police branch office, Kungchunling .....	6	28
m. Police branch office, Ssupingkal .....	7	28
n. Police department, Antung .....	16	48

684

Grand total of 1,499 officers and men.

Apart from the above, the South Manchurian Railway Company maintains 56 police and the Japanese consulates 260 consular police at Nowehwang, Mukden, Tiehling, Changchun, and Antung, along the zones of the South Manchurian and Antung-Mukden railways.

(B) 1. Secret police of Japanese consulates along South Manchurian and Antung-Mukden railways:

	Sentry boxes.	Men.
a. Police section of the consulate at Newchwang .....	..	16
b. Police section of the consulate at Liaoyang .....	1	13
c. Police section of the consulate at Mukden .....	11	64
d. Police section of the consulate at Tiehling .....	16	47
e. Police section of the consulate at Changchun .....	13	34
f. Police section at the consulate at Antung .....	24	90

<b>2. Secret police of the consulates and branch consulates within the Chientao District</b>		<b>260</b>
a. Chientao consulate general	24	
b. Chutzechieh branch consulate	0	
c. Toutaokou branch consulate	7	
d. Paitsaokou sentry box	6	
	<b>46</b>	
<b>Total of secret police</b>	<b>306</b>	
<b>Summary:</b>	<b>Men.</b>	
1. Within Kuantung leased area, total of	811	
2. Within the two railway zones, total of	688	
3. Attached to the consulates within the railway zones, total of	260	
4. Chientao district	46	
5. Southern Manchurian Railway "voluntary" pointsmen (?)	56	

"Therefore, grand total of 1,861 men in 381 stations and substations.

"Therefore, outside of the leased area, 1,050 men and 247 stations and substations.

"Latest news is that more police stations are being established in Mukden City and Wangtsing, Holung, and Hunchun, within the Chientao District, but no details are mentioned as to personnel, etc."

Mr. Sze added that the facts presented could not be absolutely definite with regard to foreign troops, which were continually changing, but that his statement gave the closest possible approximation to the existing facts. He felt that, in any case, China was concerned rather with the establishment of general principles than with particular cases. The Chinese delegation would be glad to submit to this committee at a later opportunity the question of foreign troops in China on contractual bases, but would like to have a declaration that no troops other than those which are there in accordance with treaty stipulations shall be left in China. Mr. Sze thought there was no need to make detailed arguments in support of this desire, since the same arguments used with regard to the withdrawal of foreign postal agencies applied with even greater force to the withdrawal of foreign troops. He invited opinions from the other delegations and offered to furnish any further information that might be requested.

The chairman inquired if the committee was prepared to proceed to a discussion of this matter, adding that he himself had but just received a copy of the statement prepared by the Chinese delegation.

Mr. Hanihara observed that the statement of the Chinese delegation concluded with a proposed resolution, and he desired to know if it was proposed to consider that at this time.

(See minutes of the eighth meeting of the Committee on Pacific and Far Eastern Questions.)

The Chairman stated that the Chinese delegation had prepared a draft resolution, a procedure which was entirely within their rights. This resolution was open for discussion, not as a formal document, but to focus attention on the matter which the Chinese delegation desired to have discussed in a general way, without being limited to the wording of the draft. He pointed out, also, that in the Chinese proposition, several subjects were grouped together, and suggested that better progress might be made if these were taken up separately. The first of these being the question of foreign troops in China, the

chairman announced that this would be the topic now before the committee for discussion.

**JAPANESE STATEMENT RE RESOLUTION PROPOSED BY CHINESE DELEGATION.**

7. Mr. Hanihara desired to offer certain observations regarding the Chinese resolution, with respect to foreign troops, police, etc. He read the following statement:

"The Japanese delegation understands that the main object of the draft resolution proposed by our Chinese colleagues is to obtain an engagement from the powers concerned that they will respect the sovereignty of China and remove immediately, or as soon as circumstances permit, existing limitations upon her administrative freedom of action, as is mentioned in Item V of the Chinese proposals, especially in regard to the stationing of foreign troops, the establishment of police offices, and the installation of telegraph and wireless stations in China. It is further understood that the Chinese delegation is not demanding the abrogation of such restrictions upon administrative rights when they are placed upon treaty or other contractual bases.

"If the Japanese delegation is not mistaken in the above understanding, the main object of the proposed resolution is naturally embodied in Item I of the resolution passed by the committee on November 21. This point was also made clear by the chairman when he pointed out that Item I of the Chinese proposal was embodied in the resolution drafted by Mr. Root. Accordingly, it may be said that the present proposal by China is in effect a duplication of the resolution already adopted, and it is believed that such course is not only uncalled for but would have the effect of detracting from the strength of the existing resolution.

"The Japanese delegation considers, therefore, that the first half of the Chinese draft resolution is more than superfluous. It further is persuaded that the withdrawal or abolition of the foregoing troops, railway guards, police stations, and telegraphic and wireless installations should not be immediately decided simply because the Chinese authorities have not given them their express consents. There are specific reasons for the existence of such institutions in each special case. We are prepared to explain those specific reasons which have brought about the existing conditions in the cases in which Japan is concerned.

"The Japanese delegation ventures to suppose that its views are shared by other delegations, and to deem it unnecessary to pass a resolution such as now is proposed by our Chinese colleagues."

Mr. Hanihara added that if the question of troops was now in order, he would state the position of the Japanese delegation on that point.

The chairman stated his understanding of Mr. Hanihara's remark to be that the Chinese proposal, if taken as definitive without an application to particular cases, it would be a useless repetition. He stated that there was no desire to review the principles involved, and that therefore the next step was the discussion of the application of these principles to particular topics, the first of which would be the question of foreign troops, and that he supposed the written state-

ment submitted by the Chinese delegation covered in substance all that they might have wished to express orally.

Mr. Sze stated that this memorandum was furnished at the request of the committee to give each delegation an idea of the scope of each question. He desired to reply briefly to Mr. Hanihara, to the effect that, while Article V of the Chinese proposals sometimes used the words "when circumstances permit;" and in other cases the word "immediately," the present question was not one of "when circumstances permit," as Mr. Hanihara might have been understood to indicate, because in its written statement the Chinese delegation took pains to say "they will be at once withdrawn." Mr. Sze added that he agreed with Mr. Hanihara about duplication, the principle underlying the resolution submitted by the Chinese delegation being similar to that in Clause I of the Root resolution, and that he was quite ready to discuss the second part of the resolution first. He stated further that Mr. Hanihara had offered to enumerate circumstances which were alleged to justify the existence in China of the Japanese troops now there, and that the Chinese delegation would always be glad to hear the views of the Japanese delegation and would welcome the data Mr. Hanihara had offered to supply. Mr. Sze believed that in making this reply to Mr. Hanihara, he had also covered the remarks made subsequently by the chairman.

#### FOREIGN TROOPS IN CHINA.

8. The chairman observed that there was one point which should be made clear at this time for the record. Leading up to this: he gave a brief historical review, showing that after the Boxer trouble in December, 1900, the powers, including the United States, Austria-Hungary, France, Germany, Great Britain, Japan, Italy, and Spain had signed a protocol with China by which each secured the right to maintain a permanent legation guard, and also, by agreement between them, to occupy certain points between the capital and the sea in order to keep communications open, and that all except Spain had maintained such guards. The total of these troops before the war approximated 9,000, but this number had naturally been reduced during the war. The troops remaining were left there under the stipulations of this protocol. He desired to know, therefore, whether he was right in assuming that the Chinese proposal did not in any way refer to troops kept in China under the protocol of 1900.

Mr. Sze replied that this understanding was correct, and that the Chinese proposal had reference only to such troops as were now on Chinese soil without treaty sanction; that it was limited to those troops or garrisons having no contractual basis.

The chairman restated the question as follows: That the Chinese delegation did not propose to bring up at this moment the question of troops in China with treaty sanction, and that therefore it related to the withdrawal of troops (a) where there is a difference of view upon the question whether they are there in accordance with a treaty stipulation; (b) where it is agreed that they are present without any treaty basis.

Mr. Hanihara desired on behalf of the Japanese delegation to state briefly the position of Japan regarding this matter. He did so by reading a statement as follows:



*"Japan's attitude in regard to the foreign garrisons in China.—* The Japanese delegation wishes to explain, as succinctly as possible, why and how the Japanese garrisons in various parts of China have come to be stationed there. At the outset, however, I desire to disclaim most emphatically that Japan has ever entertained any aggressive purpose or any desire to encroach illegitimately upon Chinese sovereignty in establishing or maintaining these garrisons in China.

"(1) Japanese railway guards are actually maintained along the South Manchuria Railway and the Shantung Railway.

"With regard to the Shantung Railway guards, Japan believes that she has on more than one occasion made her position sufficiently clear. She has declared and now reaffirms her intention of withdrawing such guards as soon as China shall have notified her that Chinese police force has been duly organized and is ready to take over the charge of the railway protection.

"The maintenance of troops along the South Manchurian Railway stands on a different footing. This is conceded and recognized by China under the treaty of Peking of 1905. (Additional agreement, Art. II.) It is a measure of absolute necessity under the existing state of affairs in Manchuria—a region which has been made notorious by the activity of mounted bandits. Even in the presence of Japanese troops, those bandits have made repeated attempts to raid the railway zone. In a large number of cases they have cut telegraph lines and committed other acts of ravage. Their lawless activity on an extended scale has, however, been effectively checked by Japanese railway guards, and general security has been maintained for civilian residents in and around the railway zone. The efficiency of such guards will be made all the more significant by a comparison of the conditions prevailing in the railway zone with those prevailing in the districts remote from the railway. The withdrawal of railway guards from the zone of the South Manchuria Railway will no doubt leave those districts at the mercy of bandits, and the same conditions of unrest will there prevail as in remote corners of Manchuria. In such a situation it is not possible for Japan to forego the right, or rather the duty, of maintaining railway guards in Manchuria, whose presence is duly recognized by treaty.

"2. Towards the end of 1911 the first revolution broke out in China, and there was complete disorder in the Hupeh district which formed the base of the revolutionary operations. As the lives and property of foreigners were exposed to danger, Japan together with Great Britain, Russia, Germany, and other principal powers, dispatched troops to Hankow for the protection of her people. This is how a small number of troops have come to be stationed at Hankow. The region has since been the scene of frequent disturbances; there were recently a clash between the North and South at Changsha, pillage by troops at Ichang, and a mutiny of soldiers at Hankow. Such conditions of unrest have naturally retarded the withdrawal of Japanese troops from Hankow.

"It has never been intended that these troops should remain permanently at Hankow, and the Japanese Government have been looking forward to an early opportunity of effecting complete withdrawal of the Hankow garrison. They must be assured, however, that China will immediately take effective measures for the maintenance of peace and order and for the protection of foreigners, and that she will

fully assume the responsibility for the damage that may be or may have been done to foreigners.

"(3) The stationing of the garrisons of foreign countries in North China is recognized by the Chinese Government under the protocol relating to the Boxer revolution of 1900. Provided there is no objection from the other countries concerned, Japan will be ready, acting in unison with them, to withdraw her garrison as soon as the actual conditions warrant.

"(4) The Japanese troops scattered along the lines of the Chinese Eastern Railway have been stationed in connection with an inter-allied agreement concluded at Vladivostok in 1919. Their duties are to establish communication between the Japanese contingents in Siberia and South Manchuria. It goes without saying, therefore, that these troops will be withdrawn as soon as the evacuation of Siberia by the Japanese troops is effected."

The chairman asked Mr. Hanihara whether he referred to the final clause of Article II of the additional agreement to the treaty of 1905, which he read, as follows:

"Article II. In view of the earnest desire expressed by the Imperial Chinese Government to have the Japanese and Russian troops and railway guards in Manchuria withdrawn as soon as possible, and in order to meet this desire, the Imperial Japanese Government, in the event of Russia agreeing to the withdrawal of her railway guards, or in case other proper measures are agreed to between China and Russia, consent to take similar steps accordingly. When tranquillity shall have been reestablished in Manchuria, and China shall have become herself capable of affording full protection to the lives and property of foreigners, Japan will withdraw her railway guards simultaneously with Russia."

Mr. Hanihara replied in the affirmative, but thought there was another clause which he promised to look up.

Mr. Sze expressed great pleasure at Mr. Hanihara's assurance that the Japanese troops now in China were not now and never had been intended for any aggressive purpose, and that they would eventually be withdrawn; and added that he would be glad to hear later from Mr. Hanihara as to the time when they would be withdrawn. He did not attempt to make a detailed reply, as he might not have understood perfectly, and asked the indulgence of the committee for an opportunity to reply later to Mr. Hanihara.

The chairman suggested that in order to give the time desired further discussion regarding foreign troops in China might be postponed, and that as the report prepared by the committee on extraterritoriality had not been received he would call upon Senator Lodge, as chairman of that committee.

#### RESOLUTIONS REGARDING EXTRATERRITORIALITY.

Senator Lodge stated that the subcommittee appointed to draft resolutions regarding extraterritorial rights and the administration of justice in China submitted the following resolutions:

"Resolution for the establishment of a commission to investigate and report upon extraterritoriality and the administration of justice in China.

"The representatives of the powers hereinafter named, participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal.

"Having taken note of the fact that in the treaty between Great Britain and China, dated September 5, 1902, in the treaty between the United States of America and China, dated October 8, 1903, and in the treaty between Japan and China, dated October 8, 1903, these several powers have agreed to give every assistance toward the attainment by the Chinese Government of its expressed desire to reform its judicial system and to bring it into accord with that of western nations, and have declared that they are also prepared to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant them in so doing.

"Being sympathetically disposed toward furthering in this regard the aspiration to which the Chinese delegation gave expression on November 16, 1921, to the effect that 'immediately, or as soon as circumstances will permit,' existing limitations upon China's political, jurisdictional, and administrative freedom of action are to be removed.

"Considering that any determination in regard to such action as might be appropriate to this end must depend upon the ascertainment and appreciation of complicated states of fact in regard to the laws and the judicial system and the methods of judicial administration of China, which this conference is not in a position to determine.

"Have resolved

"That the Governments of the powers above named shall establish a commission (to which each of such Governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China, and into the laws and the judicial system and the methods of judicial administration of China, with a view to reporting to the Governments of the several powers above named their findings of fact in regard to these matters, and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China, and to assist and further the efforts of the Chinese Government to effect such legislation and judicial reforms as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality;

"That the commission herein contemplated shall be constituted within three months after the adjournment of the conference in accordance with detailed arrangements to be hereafter agreed upon by the Governments of the powers above named, and shall be instructed to submit its report and recommendations within one year after the first meeting of the commission;

"That each of the Powers above named shall be deemed free to accept or to reject all or any portion of the recommendations of the commission herein contemplated, but that in no case shall any of the said powers make its acceptance of all or any portion of such recommendations either directly or indirectly dependent on the

granting by China of any special concession, favor, benefit or immunity, whether political or economic."

#### ADDITIONAL RESOLUTION.

"That the nonsignatory powers, having by treaty extraterritorial rights in China, may accede to the resolution affecting extraterritoriality and the administration of justice in China by depositing within three months after the adjournment of the conference a written notice of accession with the Government of the United States for communication by it to each of the signatory powers."

#### ADDITIONAL RESOLUTION.

"That China, having taken note of the resolutions affecting the establishment of a commission to investigate and report upon extraterritoriality and the administration of justice in China, expresses its satisfaction with the sympathetic disposition of the powers herebefore named in regard to the aspiration of the Chinese Government to secure the abolition of extraterritoriality in China, and declares its intention to appoint a representative who shall have the right to sit as a member of the said commission, it being understood that China shall be deemed free to accept or to reject any or all of the recommendations of the commission. Furthermore, China is prepared to cooperate in the work of this commission and to afford to it every possible facility for the successful accomplishment of its tasks."

Senator Lodge observed that, as was apparent, one of the additional resolutions was intended to give to powers not represented in the conference, but having extraterritorial rights by treaty, the opportunity to accede; and that the other merely involved acceptance by China.

The chairman inquired if the delegations were ready to act and, on calling upon each in turn, found no dissent. The three resolutions were unanimously adopted.

#### FOREIGN POLICE IN CHINA.

12. The chairman announced that the next topic for discussion referred to foreign police in China.

Mr. Sze invited his Japanese colleagues to agree to the justice of the Chinese position on this question, as set forth in the memorandum presented by the Chinese delegation, as they had done in the other cases.

Mr. Hanihara read the following reply:

Japan's statement regarding the maintenance of Japanese police in Manchuria and the treaty ports of China.

"In considering the question of Japanese consular police in China, two points must be taken in account.

"(1) Such police do not interfere with Chinese or other foreign nationals. Their functions are strictly confined to the protection and control of Japanese subjects.

"(2) The most important duties with which the Japanese police are charged are, first, to prevent the commission of crimes by Jap-

anese, and second, to find and prosecute Japanese criminals when crimes are committed.

"In view of the geographical proximity of the two countries, it is natural that certain disorderly elements in Japan should move to China, and, taking advantage of the present conditions in that country, should there undertake unlawful activities. When these lawless persons are caught in the act of crime by the Chinese police, it is not difficult for that police force to deal with the case. The culprits are handed over as early as possible to the Japanese authorities for prosecution and trial. But when the criminals flee from the scene of their acts, it is in many cases hard to discover who committed the crimes and what were the causes and circumstances that led up to their commission. This is more difficult for the Chinese authorities, as they have no power to make domiciliary visits to the homes of foreigners, who enjoy extraterritorial rights, or to obtain judicial testimony in due form from such foreigners:

"Without the full cooperation of the Japanese police, therefore, the punishment of crime is, in a great many cases, an impossibility, and those who are responsible for lawbreaking escape trial and punishment.

"This tendency is especially evident in Manchuria in which region hundreds of thousands of Japanese are resident. In places where the Japanese police are stationed, there are far fewer criminal cases among Japanese than in places without Japanese police. Lawless elements constantly move to districts beyond the reach of Japanese police supervision.

"Apart from the theoretical side of the question, it will thus be observed that the stationing of Japanese police in the interior of China has proved to be of much practical usefulness in the prevention of crimes among Japanese residents, without interfering with the daily life of Chinese or of other foreign nationals. The Japanese policing provides a protection for the Chinese communities which at present their own organization fails to provide.

"The Japanese delegation is in possession of knowledge and information as to the actual conditions prevailing in China and especially in Manchuria. However, it is unnecessary to go into details at the present stage."

#### REPLY OF MR. SZE RE TROOPS AND POLICE.

14. Mr. Sze stated that he could not, without opportunity for study, reply in detail, but that he wished to point out that both of these matters were serious infringements of China's sovereignty and integrity, and that there was nothing in international law permitting one country to station troops or police upon the soil of another, especially over the protest of the latter. While expressing admiration for the efficiency of the Japanese police system and thanking Mr. Hanihara for his explanation of conditions, he could not accept that as justifying the presence of Japanese police, and he hoped that Japan would be able to check Japanese lawbreakers at the source and to prevent their coming to China. In conclusion, while reserving the right to reply further after study, he observed that the Chinese nation could not look upon the presence of these troops and police without concern.

## FOREIGN WIRELESS AND TELEGRAPHIC INSTALLATIONS IN CHINA.

15. The Chairman introduced the next question on the Chinese memorandum, namely, that of foreign wireless and telegraphic installations in China, and noted that the memorandum contained tentative lists, one of wireless stations placed there "without China's consent," the other of telegraphs "not sanctioned by the Chinese Government." He stated that he understood that some of these stations were being maintained under the Boxer protocol of 1900 already referred to, in connection with troop stations and to keep communications open to the sea, but that of course these were not to be used for commercial purposes, but only for official business. He observed that so far as he was aware, the United States was maintaining no wireless stations in China, except where troops were stationed and where it was necessary to keep open communication with the sea, and that the former American receiving station at Shanghai had been dismantled. He inquired whether there were any questions in connection with the foregoing.

Mr. Balfour stated his belief that the only wireless station the British Government had in China was at Kashgar in Turkestan, and had been erected during the war for the purpose of obtaining information in regard to the Bolsheviks. He added that he understood the consulate general there had a guard of about 16 men to resist a Bolshevik inroad.

The chairman having asked if there were any further discussion desired, Mr. Viviani said that he did not possess sufficient information as to what stations were referred to, and that he would like the discussion held over until the next meeting. He also observed that time had been saved by having the Chinese position presented in writing, and he hoped that the Chinese delegation would follow that procedure the following day, when he understood that discussion of these questions would be continued and that of leased territories considered.

16. Mr. Sze replied that he would do his utmost, but that, if there were no objection, he would prefer to postpone the question of leased territories, and to present the next day a statement regarding "spheres of influence" and "special interests."

The meeting adjourned until Wednesday, November 30, at 11 a. m.

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TENTH MEETING—WEDNESDAY, NOVEMBER 30, 1921, 11 A. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Mr. Jadot. Accompanied by Mr. Pol le Tellier, Mr. Cattier.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand). Accompanied by Sir Maurice P. Hankey.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. Tyau, Mr. Zee.

*France*.—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Massigli, Mr. Kammerer.

*Italy*.—Senator Schanzer, Senator Polandi Ricci, Senator Albertini. Accompanied by Mr. Giannini, Mr. Cora.

*Japan*.—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*Netherlands*.—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco. Accompanied by Jonkheer van Storkenborgh, Mr. de Kat Angelino.

*Portugal*.—Viscount d'Alte, Captain Vasconcellos.

The secretary general, accompanied by Mr. Cresson.

Interpreters, Mr. Camerlynck, assisted by Mr. Talamon.

1. The tenth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Union Building, at 11 a. m., November 30, 1921.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Mr. Jadot; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Shanzer, Senator Rolandi-Ricci, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco; for Portugal, Viscount d'Alte.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. Pol le Tellier, Mr. Cattier; for the British Empire, Sir Maurice P. Hankey, Mr. Lampson; for China, Dr. Tyau, Mr. Zee; for France, Mr. Massigli, Mr. Kammerer; for Italy, Mr. Cora, Mr. Giannini; for Japan, Mr. Saburi, Mr. Kimura, Mr. Saito; for the Netherlands, Jonkheer van Storkenborgh, Mr. de Kat Angelino.

The secretary general of the conference, assisted by Mr. Cresson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman, Mr. Hughes, referring again to the question of invitations of a most diversified nature which the delegates and the conference were continually receiving, observed that he thought that the delegations should not establish a precedent by accepting such invitations and thus utilizing time and energy which were needed for the work of the conference. Unless the opinion of the committee was to the contrary, he would therefore express appreciation and regret that, owing to the work of the conference, the delegates can not see their way to acceptance.

The Japanese delegation then distributed copies of their statements made in the previous meeting of November 29.

Mr. Hanihara stated that further copies would shortly be received by the delegates.

The chairman asked whether, in order to make progress, the Chinese delegation was prepared to take up the question already touched upon.

Mr. Sze stated that, as he had not yet had opportunity to study the documents, he must ask for a postponement until the next

meeting. He also requested that Mr. Hanihara furnish the corrections which the latter had suggested should be made with respect to the list of troops, cantonments, etc., which figure in the Chinese statement.

Mr. Hanihara, in reply, said that these corrections would be distributed at the next meeting.

The chairman noted the request of the Chinese minister that the matter be postponed.

Mr. Viviani inquired of the Chinese delegation whether they wished to continue a discussion on the subject of wireless telegraphy, the subject which, he believed, was before the committee. He said that constant changes of subject made it impossible to carry on a reasonable discussion. He suggested that in future the committee be furnished in advance with documents concerning matters to be discussed and that the agenda be more rigidly adhered to.

Mr. Sze said that the Chinese delegation were prepared to discuss the question of electrical communications. He pointed out that he did not recall any reference had been made to the telegraphic and wireless installations by the Japanese delegation in their statement yesterday. He found, however, the inclusion of that subject at the end of their written answer which had just been distributed.

The chairman stated his appreciation of the fact that without method and order it was difficult to make progress. He realized, however, that it was impossible to insist too rigidly on a routine. He was prepared, if desired by the committee, to adjourn the session. It appeared evident to him, however, that the reason that the Chinese were not in a position to continue the discussion on the subject touched upon in the previous meeting was that the Japanese statement was subsequently made. The alternatives before the committee seemed to be either to adjourn or to take up other related matters. It was the single desire of the chair to facilitate discussion.

Mr. Sze said that, if a few minutes were accorded him to look over the documents before him, he might resume the discussion. China and Japan had now both given their views; others might wish to have their say.

The chairman suggested that the delegates might feel it better to accord a ten-minute recess, to enable the Chinese delegates to confer.

Minister Sze said he was prepared to discuss the question of wireless.

The chairman then suggested that the discussion proceed.

Mr. Sze stated that a distinction should be made between the electrical installations established in the legations under the terms of the protocol of 1901 and the others which had not been based on treaty or contractual basis. With regard to the legations' installations the Chinese delegation were not asking for their withdrawal, but would consent to their maintenance upon two conditions: First, these wireless installations would be used only for official purposes and not for commercial use; and, secondly, an arrangement should be reached with a view to prevent the wave lengths of the legations' installations from interfering with the wave length of the Chinese wireless stations.

The Chairman then stated his understanding: That the desire expressed by Mr. Sze was that the wireless stations in the legations be



not used for commercial purposes. With this request the United States was fully in accord. The question of the wave length used was a matter which would require an agreement among the legations. It was agreeable to the United States that efforts be made to solve this problem as well.

The latter point, however, brought up a broader aspect of the question. Among other topics in the agenda was the subject of electrical communication in the Pacific. It was an important subject, but one not yet reached. Perhaps the entire matter, which was very technical and understood by few, could not be completed. It was the most important subject before the world to-day—the domain of the ether. The Government of the United States, believing that such a question could not be ignored, included it in the agenda. Nothing was so important as electrical communication, on account of the limited number of wave lengths available. It seemed desirable to prepare the way for the discussion of this subject by the delegates, but steps thereto had not been taken before because it was thought wise to do as much as possible beforehand, and it had seemed inadvisable to bring up too many important questions. Returning to the directly practical question under consideration, the Chair asked whether the committee was prepared to agree that the legations' wireless stations installed in accordance with the protocol of 1901 should not be used for commercial purposes?

Mr. Viviani said that he had taken note of the statement made by the Chinese delegation to the effect that they were not asking for the removal of the existing French wireless stations. China had formulated two claims; she asked that a distinction be drawn between official and commercial messages; she also asked that the question of wave lengths be regulated by mutual agreement. As indicated by Mr. Hughes, these questions were of a more general nature. A joint agreement on the wireless stations in China would have to be reached. In so far as France was concerned, she was in full accord and would do everything she could to further the undertaking.

Moreover, it should not be overlooked that the demands made by the Chinese delegation, involved some delicate problems. He asked whether it would be possible to do anything in this direction so long as a stable government had not been reestablished in China. Should the powers consent not to use certain stations for the sending of commercial messages, what guarantee would they have that these messages could be sent by other means? With regard to the regulation of wave lengths, it would be necessary to know whether or not China had worked out any technical or financial plan. A solution of these problems should be sought in a general rather than in a special agreement. The French delegation was convinced that it was time that in this field, cooperation should take the place of competition. Mr. Viviani desired especially to note, and express his appreciation of, the statement made by Mr. Hughes concerning this subject. He said that the chairman could be sure that the French delegation would do everything it could in the manner indicated by him.

Mr. Balfour stated that the British Government had no direct interest in the question of wireless, because it so happens that the

British Government had no wireless there. For them the question, therefore, did not arise. While expressing general interest, he said that it was upon certain aspects of the second question that he had arisen to speak: First he asked is it possible to make arrangements regarding the wave lengths of the wireless telegraphy installations at the foreign legations, and those maintained by the Chinese Government, without affecting the world at large? Mr. Balfour said that his technical knowledge would not permit him to say whether this was possible or not. It might well be that some special and particular arrangement might be made; if so, the plan ought to be adopted. But Mr. Hughes had made a suggestion which seemed greatly to extend the inquiry. He had touched on problems which might affect many countries in the world, i. e., how to utilize the limited number of wave lengths available so as to serve all countries interested. The chairman had suggested that this question is included in the program of the conference and ought to be taken up at the appropriate stage. Mr. Balfour stated that he was far from suggesting that nothing could be done in this matter, but frankly speaking, he would view with misgiving any broad extension of the labors of the conference. If the conference should succeed in solving even the limited number of problems now before it, a very great work would have been accomplished. The conference appeared to Mr. Balfour sufficiently occupied with matters concerning which success seemed already within its grasp. There might be risk of compromising this success by undertaking addition work. So far as the British Empire delegation was concerned, he believed that they were not adequately equipped to deal with the larger technical problems referred to by Mr. Hughes.

To sum up:

(1) The British Government is not concerned with the request of the Chinese to meet certain views in regard to the use of the wireless telegraph installations in the legations in Peking. Nevertheless, they always viewed the Chinese claims with sympathy and had listened to Mr. Sze's statements with favor.

(2) The British delegation hoped, in regard to the local and technical questions respecting the wave lengths used within the limits of China, that some arrangement would be made.

(3) The British delegation view with some misgiving the proposal to extend the scope of the work of the conference so as to embrace the world aspect of "wireless," partly because the delegation is not equipped for this purpose; partly because it would overload the conference; partly because many of the nations concerned are not represented here.

The chairman stated that he was in accord with Mr. Balfour's views concerning the need of a careful approach to the highly technical matter touched upon. He had no idea that it could be adequately disposed of, and he also felt strongly that the conference should assume no further burdens. Nevertheless, he believed that a matter of such importance to future international relations in the Pacific should not be ignored if it were in any way possible to make a start. It was a matter already engaging the thoughts of technical men and, to a lesser degree, of governments. He believed that at some appropriate time it might be considered without prejudice to other matters.

The chairman then asked whether it was the sense of the committee:

(1) That the wireless stations maintained in connection with the legation guards under the terms of the protocol of 1901 should, or should not, be used for commercial purposes?

(2) He also asked whether it was the sense of the committee that some agreement concerning the use of wave lengths should be arrived at between the governments operating these installations.

He suggested that the questions be taken up in order.

Mr. Hanihara declared that so far as Japan was concerned they were quite ready to agree to the first proposition; i. e., not to use the Japanese legation's wireless for commercial purposes. Referring to a point raised by Mr. Viviani, that circumstances might arise suspending the service of the Chinese commercial companies, it appeared to the Japanese delegation that it would be important to have it understood that the Japanese legation's wireless must be kept open for communications other than of an official nature between Peking and the sea should circumstances arise suspending the service. This, however, might be called a case of necessity.

With respect to the second proposition, that of organizing a committee to investigate the technical sides of the question of wireless, Japan had no objections to this course.

The chairman asked whether he was correctly informed that the only Powers possessing wireless installations were the United States, France, and Japan.

Mr. Sze said there was also a small receiving station in the Italian legation.

Mr. Schanzer said that while it was true that a small receiving station existed in the Italian legation in Peking, there was no objection on the part of the Italian delegation to have the same system applied to this as to other installations, viz: that the Italian station should be used only for the transmission of messages of an official character.

Mr. Viviani said he desired to define the views of the French delegation so that no ambiguity might be possible.

It was a delicate matter to define the differences that existed between the various French wireless installations. There was a military station at Tientsin. In so far as it was concerned, the French delegation was not anxious that this station should be used for the transmission of commercial messages. The other stations were of a less official character; moreover, they had not all come into being in the same manner, and the uses to which they were put were various; all that could be said was that they were not all established in consequence of the protocol of 1901. But it appeared impossible to Mr. Viviani that such a question should be discussed by other than a technical committee; very delicate problems presented themselves, complicated in part with those of leased territories and of concessions. On the other hand, before taking up the abolition of certain stations it would be necessary to know how it was intended to replace them: if nothing was accomplished except their abolition, pure and simple, commercial interests of considerable importance would be injured and progress would be retarded. Only a committee of experts could study in detail so complicated a question.

The chairman suggested that if all the Delegates had finished such remarks and statements as they desired to make, and if it were pos-

sible to construct a joint pronouncement on the matter it might be referred to the committee on draft, which should not be too limited in its functions. Matters of principle might be developed by discussion among the members of the smaller group. The question before the committee now was:

(1) Whether to refer the matter to the discussion of the drafting committee, or,

(2) Whether to refer it to a special committee. The third alternative was to continue discussion of the question in the present meeting.

Mr. Hanihara arose to make a few corrections touching the Chinese statement regarding wireless installations. He stated that the wireless at Harbin was not under Japanese control. With respect to point (5), he asked to state that there was no wireless in Manchuria, and with respect to point (7), that the installation at Chu Chin Tsin had been withdrawn. He further asked that the Chinese delegation would confirm this statement.

Mr. Sze expressed on behalf of the Chinese delegation his great gratification for the views which had been expressed by the various delegations as well as their sympathy with China's desire. It was clear that the Chinese delegation did not claim for the time being the withdrawal of those wireless stations which had been permitted by the Peking protocol of 1901. They wanted only to limit their claim to those stations of no treaty and contractual basis. With regard to the question of wave length, they had no intention to see it dealt with here. It could be settled only through an international agreement. Reference to it had been made in the Chinese statement because the Chinese station was more powerful and it was not desired that the power of the Chinese stations would be in any way affected. He had taken note of the desire of the different delegations to come to an agreement on this subject.

With reference to the point raised by the Japanese delegation to the effect that in circumstances when the Chinese wireless stations should happen to cease operation, the legations' wireless stations could be used for other than purely official purposes. The Chinese delegation concurred with this view on condition that such use would be merely for a temporary period and would be stopped as soon as the Chinese telegraph administration should notify the legations of the resumption of the operation of the Chinese telegraphs.

With reference to the remarks of Mr. Viviani to the effect that China recognized the retention of certain wireless stations, it was of course meant to be those stations permitted by the protocol of Peking of 1901. He was gratified to learn that the French delegation was willing to withdraw those French stations wherever Chinese wireless stations had been installed. But in regard to the stations in the places where there was no Chinese wireless station, the Chinese delegation would not press for their immediate withdrawal because they had no desire to deprive the merchants in those places of the facilities of modern communication.

He took advantage of the occasion to tell the committee that Chinese wireless stations had already been installed at Peking, Shanghai, Woosung, Canton, Foochow, Wuchang, Kalgan, Urga, Chungching. Six others were in course of construction, including two very powerful installations nearing completion in Peking and Shanghai.

Mr. Viviani said he feared that he had been misunderstood by the Chinese delegation, which was probably his fault. France desired, he said, to do everything possible in the sense desired by the Chinese Government, but can not conceive separation of the negotiations with the Chinese Government from the general question. The committee remained face to face with the sole question raised by the chairman—to whom should this question be referred? There were two matters—legation wireless, and wave lengths. Who was to settle the question? It was proposed to refer it to a drafting committee, which could not be done, because of the lack of material on which to base a decision. The lack of accord grew out of the fact that it is a technical question. If it were agreed to forbid commercial uses, a decision must be reached how to replace and what to replace. Private interests could not be dropped.

Nor was there competence to settle the questions of wave lengths. He was sure that he did not offend the jurists or diplomatists who were present, by saying that this was a question for experts. What is the draft committee? It is a sovereign committee, which can not use its great intelligence or knowledge without the preliminary preparation of experts.

The solution seemed simple. As there was a lack of accord on the two points, and as no drafting committee was needed, he therefore proposed a technical committee.

The chairman considered it a matter of indifference, provided that what has been accomplished were summed up in the best way. As to wave lengths, he had supposed that it was only necessary that an agreement be reached between the legations concerned, and that they should take the advice of experts. The idea of an agreement between the legations having met with favor, it was left to the delegates to arrange appropriate resolutions.

It appeared that perhaps with unduly refined analysis, the question of the utilization of legation installment for commercial business had been reached. He supposed that there could be an expression as to the exceptions proposed, but that advice was now desired as to how to formulate the committee's announcement. On the larger question, experts might be well consulted.

It was desired to gather up what had been accomplished, and he had suggested the drafting committee with that object in view. But if a special committee were desired, there was no objection.

The chairman now inquired whether the French delegation was definitely in favor of a special commission of experts.

Mr. Viviani answered in the affirmative. However, he was desirous of defining his earlier statements which appeared to have been misunderstood. He had never said that France was ready to abandon or permit the purchase of her commercial station. He had said that he was prepared to take up the subject, but that he did not separate this question from that of a general agreement to be arrived at.

Mr. Balfour said he found it difficult to form a clear idea as to what kind of experts were required for this matter. Were they to be experts on the general conditions in China and the use of wireless telegraphy in that country? Were they to pass on the ability of China to replace existing stations, etc.? Or were they to be technical

experts, possessing the knowledge which would enable them to consider the questions of wave lengths and a technical adjustment between the interests of various stations? Mr. Balfour said he also wished to say a word in respect to the original proposal that the matter be referred to a drafting committee. He agreed with Mr. Viviani, that the question was not, strictly speaking, one of mere drafting, but the drafting committee, as nominated, was composed of very important members of the conference. Mr. Balfour did not think a narrow view should be taken as to the degree of latitude which might be allowed such a drafting committee. It had no power of course, to make decisions—a right vested in the present committee. But in view of the fact that the drafting committee was composed of some of the ablest members of the conference, Mr. Balfour said he was under the impression that the manifest intention was that it might endeavor to give shape to ideas that had not yet taken on a very coherent form, and to formulate them as precise propositions. If the drafting committee should come up against points of disagreement they might put them aside, reporting to the committee of delegates that an agreement on these points could not be found possible. They could, however, set forth in precise form the points on which agreement had been reached.

Mr. Balfour then stated as his conclusions: (1) That in his opinion the kind of expert required was not clearly understood; (2) he was not convinced that the original proposal was not the best.

Senator Underwood remarked that the question would probably reach beyond the scope of the conference. This was regrettable in more ways than one. He assumed that none of the Governments represented desired to maintain stations in contravention of China's sovereignty; that should be the first matter for settlement and adjustment. On the other hand, questions of wave lengths were too difficult for an ordinary committee to deal with, and when these questions concerned proper wave lengths for use in water, air and land the whole question of wireless became one of the utmost difficulty and delicacy. There might be infringements of right in attempting to monopolize wave lengths—comparable to the now familiar questions arising from violations of the freedom of the seas. Such questions opened up a broad perspective for the future. It appeared doubtful, however, whether the present conference could consider such questions except in so far as they related to the Chinese matter under discussion. Senator Underwood assured the chair that he was prepared to consider all of the questions brought before the committee but not to broaden them. If experts were to be called in, he pointed out that the conference might still be in session at the same time next year.

The chairman stated that all present appeared in accord with the principle not to proceed with the subject of radio telegraphy and wave lengths beyond a practical point. He agreed with Senator Underwood that it was best merely to recognize the importance of related matters. He believed it was the sense of the committee not to consider at the present time the question of wave lengths but only to express the sense of the committee that the Government should have some agreement in this respect. The chairman stated that this led directly to a different subject. He shared Mr. Balfour's views concerning experts. He believed that the drafting

committee was as Mr. Balfour had described it and that its function included those of suggestion. It seemed to the chair practical that the drafting committee should attempt to classify the questions under discussion and even to make recommendations regarding the scope of experts. The chairman concluded by asking whether any other proposals were in order.

Mr. Viviani stated that he accepted the views of the chair.

The chairman then proposed that the committee on draft report their recommendation (as to expression of the sense of the full committee) regarding wireless stations in China, with authority to include in their findings suggestions for the constitution of a special committee of experts in relation to any phase of the subject which they might deem advisable. The chairman assumed that the Japanese statements were intended to be incorporated in the minutes. He also stated that in future he would assume that it was desired that every written statement circulated by any delegation should be incorporated in the minutes.

Baron Kato said he desired to take this opportunity to announce to the committee a development which had been brought about through the kind offices of Messrs. Hughes and Balfour. At their kind suggestion and arrangement, a special meeting was to be held the following afternoon between the Chinese and Japanese delegates to carry on a conversation in relation to the Shantung question. From a statement previously made by Mr. Sze, he presumed that the Chinese delegation were much occupied by the work of the conference. His own delegation was in a similar position and found it difficult to make the necessary preparation for a meeting in the morning and another in the afternoon. Under the circumstances Baron Kato believed it best to ask the committee to be good enough to accede to a suggestion that an adjournment be taken until Friday. Baron Kato said he hoped the Chinese delegation would share these views.

The chairman said that it had been a keen pleasure both to himself and to Mr. Balfour to suggest to the delegates of Japan and China that conversations between them should take place looking to the settlement of the questions relating to Shantung. He was glad that Baron Kato had made this statement and hoped that a happy outcome would result and that a satisfactory conclusion might be expedited.

Mr. Sze in this connection then read the following statement:

"The Chinese delegation has not solicited or asked for the meeting of the Chinese and Japanese delegations, as the Government and people of China have always hoped to be able to present this very important question to the consideration of the conference, not with any desire to add to the labors of the conference or to embarrass any delegation interested in this question, but merely in the hope of obtaining a fair and just settlement. The Chinese Government, however, deeply appreciates the friendly sympathy and interest which Mr. Hughes and Mr. Balfour, representing two great powers equally friendly to China and Japan, have manifested in offering their good offices, and the Chinese delegation, therefore, have the pleasure of accepting the kind offer, of course, in the hope that a fair and just settlement may be soon reached and reported to the

conference, and without qualifying its freedom to seek other methods of settlement in the unhappy event of inability to reach an agreement for a fair and just settlement."

The suggestion was approved, and the meeting then adjourned until Tuesday, December 2, 1921.

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**ELEVENTH MEETING—FRIDAY, DECEMBER 2, 1921, 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. MacMurray, Mr. Wright.

*Belgium.*—Baron de Cartier. Accompanied by M. Cattier, M. le Tellier, M. le Chevalier de Wouters.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Dr. Tyau, Mr. Chao, Mr. Zee.

*France.*—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Mr. Cora, Mr. Giannini.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Saito, Mr. Ichihashi.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco. Accompanied by Jonkheer van Haersma de With, Mr. de Kat Angelino.

The secretary general, assisted by Mr. Paul.

M. Camerlynck and M. Talamon, interpreters.

1. The eleventh meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Building on Friday, December 2, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. MacMurray, Mr. Wright; for Belgium, Mr. Cattier, Mr. Tellier, Mr. le Chevalier de Wouters; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for China, Dr. Tyau, Mr. Chao, Mr. Zee; for France, Mr. Kammerer, Mr. Massigli; for Italy, Signor Cora, Signor Giannini; for Japan, Mr. Saburi, Mr.



Saito, Mr. Ichihashi; for the Netherlands, Jonkheer van Haersma de With, Mr. de Kat Angelino.

The secretary general of the conference, assisted by Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

FOREIGN TROOPS IN CHINA—MR. SZE'S STATEMENT.

4. The chairman, Mr. Hughes, opening the session said that if the Chinese delegation was ready the committee would now proceed with the question of foreign troops in China.

Mr. Sze read the following statement:

"WITHDRAWAL OF TROOPS AND POLICE.

"At the request of this committee, the Chinese delegates have presented concrete cases of violations of the territorial integrity and administrative independence of China, and in the course of this presentation have advanced the proposal regarding the withdrawal of foreign troops, police forces, and electric communication from China. Every one will agree that the stationing of foreign troops at numerous points within the borders of a friendly State, the projection of a foreign police force into the municipal affairs of that State, the construction of communication facilities by a foreign power in the interior of a friendly State, are grave infractions of territorial integrity and administrative independence of that State unless exercised with its consent and approval freely given and expressly granted. For the powers to reach common accord as to principle so well set forth by Root in his first resolution and then hesitate to apply it to the very cases which the delegations here assembled are presumed, from their intimate knowledge of conditions in the Far East, to have had in mind when the resolution was agreed to, would leave the conference in the position of enunciating a high principle of international relationship but unable or unwilling to maintain it in the face of the actual facts of particular cases. It is believed that the spirit of justice and fair dealing which pervades this conference will quicken each of the powers here represented to accord to China the same rights and privileges which each power would like to enjoy, indeed, would insist upon enjoying, in respect to its own territory and independence.

"The Chinese delegation wishes to make it clear that its proposal is advanced not only because China has not given its consent to these breaches of its sovereign rights, but also because the breaches were deliberately made and insistently continued even in the face of the formal protests of the Chinese Government and the unanimous opposition of the Chinese people. In view of the fact that the infringements in question are of many years' standing, it is believed the conference will agree that China has not unduly pressed for the termination of them.

"As to the withdrawal of Japanese troops from the Shantung Railway, the Japanese delegation states that she has on more than one occasion made her position sufficiently clear. She has declared and now reaffirms her intention of withdrawing such guards as soon as

China shall have notified her that a Chinese police force has been duly organized and is ready to take over the charge of the railway protection.'

"It should be noted that China has repeatedly sent notice to Japan that her police forces are well organized and prepared to assume the protection of the railway; and the Chinese delegation, on behalf of the Chinese Government, hereby again offers to take charge of the Shantung Railway with a well organized police force of its own and to protect the same.

"As to the grounds for stationing Japanese troops along the South Manchuria Railway, Japan appears to rely on the additional agreement to the treaty of December 22, 1905, between Japan and China, and on the disturbed conditions in Manchuria. The treaty of December 22, 1905, provides:

"ARTICLE I. The Imperial Chinese Government consents to all the transfers and assignments made by Russia to Japan by Articles V and VI of the treaty of peace above mentioned.' The pertinent article of the treaty of peace of September 5, 1905, between Russia and Japan, is Article VI which provides for the transfer by Russia to Japan, with the consent of China (which was procured as above stated), of the South Manchurian Railway, 'together with all rights, privileges and properties appertaining thereto in that region.'

"Article III of the same treaty provides:

"1. To evacuate completely and simultaneously Manchuria except the territory affected by the lease of the Liao-tung Peninsula, in conformity with the provisions of additional Article I, annexed to this treaty; and

"2. To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in occupation or under the control of the Japanese or Russian troops, with the exception of the territory above mentioned.

"The Imperial Government of Russia declares that they have not in Manchuria any territorial advantages or preferential or exclusive concessions in impairment of Chinese sovereignty or inconsistent with the principle of equal opportunity.'

"Article II of the additional agreement referred to provides:

"ARTICLE II. In view of the earnest desire expressed by the Imperial Chinese Government to have the Japanese and Russian troops and railway guards in Manchuria withdrawn as soon as possible, and in order to meet this desire, the Imperial Japanese Government, in the event of Russia's agreeing to the withdrawal of her railway guards, or in case other proper measures are agreed to between China and Russia, consent to take similar steps. Accordingly, when tranquility shall have been reestablished in Manchuria and China shall have become herself capable of affording full protection to the lives and property of foreigners, Japan will withdraw her railway guards simultaneously with Russia.'

"Russia has withdrawn her troops from Manchuria, but Japan has retained hers, as she states, under Article II of the additional agreement quoted. China has time and again offered to take over the protection of the South Manchuria Railway and requested Japan to withdraw her troops. If Japan continues to maintain that the alleged existing state of banditry in Manchuria requires the presence

of Japanese troops as a 'measure of absolute necessity,' China may never have an opportunity to show that she is capable of affording protection to the lives and property of foreigners. Moreover, the mere presence of Japanese troops themselves makes for friction with the natives and arouses rather than allays disorders throughout the adjacent districts. The Japanese delegation refers to a 'large number of cases' of cutting 'telegraph lines' and committing 'other acts of ravage.' These cases do not appear to be serious ones. Similar cases occur every day even in the best regulated States. But in China especially many cases of disturbance may be traced directly to the presence or activities of Japanese troops along the railway.

"Consequently China asks to be given an opportunity to show that she can maintain order along the South Manchuria Railway. The opportunity can only be granted if Japan will withdraw her forces, which China asks be done for the reasons given. The present conditions of Japanese military control have continued for over 15 years and on the present contentions of the Japanese delegation may be prolonged indefinitely at the will of Japan. China can not continue to submit to these infractions of its territorial and administrative integrity and asks the conference to take definite measures to bring these irritating controversies to a close.

"The Japanese delegation refers to the presence of Japanese troops at Hankow and gives as a reason the revolution of 1911 and subsequent disorders. It should be pointed out, however, that Great Britain, Russia, Germany, and the other powers forthwith withdrew their troops and that Japan is the only country that insists on their continuance. This insistence is based on continued disorders, but it will be noted that the other powers have not felt constrained to again introduce troops into that region. The disorders, therefore, must be of minor importance, as compared with those of 1911, which caused the entry of foreign military forces. The only special reason that Japan can advance therefor is the presence of larger numbers of Japanese in that region than subjects of any other power. But this has never been a valid reason for quartering troops on the soil of a friendly country for an indefinite period. It is said that at Hankow the Japanese forces have erected substantial barracks of a more or less permanent character.

"The Japanese delegation declares that Japan is looking forward to an early opportunity of effecting the complete withdrawal of the Hankow garrison. China now offers Japan this opportunity by undertaking to maintain peace and order and the protection of foreigners.

"Japan further asks that China will fully assume the responsibility for damage that may be or may have been done to foreigners. This is an unusual condition and one which it is believed no sovereign power would give in advance. The question of damages already sustained, if any, by Japanese subjects is a matter which may readily be settled by a mixed board or commissions and need not, therefore, be made a condition for the withdrawal of Japanese troops. No government can absolutely guarantee the protection of foreigners any more than it can absolutely guarantee the protection of its own nationals. Moreover, every violation of that degree of protection which international law assumes that a government shall give is not a ground for military intervention or the dispatching of

troops to the district in disorder. If the rule were the contrary every country would have garrisons of foreign troops stationed at various quarters within its territory. The normal procedure is for a foreign government, whose nationals are threatened on account of disorders in a friendly country, to call upon the government of that country to accord them adequate protection. If, nevertheless, loss of life or damages to property is sustained, the usual course is to have an investigation of the facts, and, if they warrant it, to request amends by way of pecuniary compensation. It is well known that the Chinese Government has in the past made every effort to satisfy such demands in the most liberal manner.

"As to the stationing of garrison of foreign countries in North China, under the protocol of 1901, China admits that such troops are quartered in China with her express and formal approval. While China is desirous eventually of having these troops removed, it wishes to defer the consideration of this question at the present conference, limiting itself now to the request for the cessation of violations of its territorial and administrative integrity which have taken place without her free consent.

"It is said that Japanese troops along the Chinese Eastern Railway are maintained in connection with an interallied agreement concluded in Vladivostok in 1919, and for the purpose of establishing communication between the Japanese contingents in Siberia and South Manchuria.

"The interallied agreement of 1919 was concluded as a result of negotiations extending through the summer and autumn of 1918 with reference to the allied military control of the Trans-Siberian Railway, and this agreement, approved by all of the allied representatives at Vladivostok and by certain Russian authorities, expressly provided for supervision by international or Russian control and not by any one power. Moreover, the purpose of this agreement was to keep the Siberian Railway opened as a line of communication for the Czecho-Slovak troops which were operating in Siberia. The object of interallied control of the railroad was to avoid control by a single country which might arouse suspicion as to the political intentions of any such country. However, it appears that under this agreement Japan sent such a large number of troops as to indicate a departure on its part from the purposes of the agreement. As the objects and purposes of the allied agreement have long since disappeared, the other allied troops have long ago been withdrawn from Siberia and the Chinese Eastern Railway, but the Japanese troops still remain in both localities without any apparent vestage of authority. As to the necessity for maintaining troops along the Chinese Eastern Railway to establish communication between the Japanese contingents in Siberia and South Manchuria, it need only be pointed out that this argument might be made the excuse for placing additional troops in Chinese territory in order to establish communication with garrisons already quartered at various points. As the general question of the Chinese Eastern Railway is a special subject on the American agenda, it is thought fit to postpone further discussion of matters relating to it until that point of the agenda is taken up.

"To endeavor to defend the maintenance of Japanese police in Manchuria by saying that they do not interfere with Chinese or

other foreign nationals, that their functions are restricted to the protection and control of Japanese subjects, and that their duties are to prevent the commissions of crime by Japanese and to apprehend Japanese criminals is to lead the conference far afield from the point at issue, namely, the illegal and unwarranted infraction of Chinese territorial and administrative integrity. The reasons advanced have never been regarded in international law and practice as sufficient to justify the institution of police administration in a foreign friendly country.

"The Chinese delegation questions the statement that the Japanese police do not interfere with Chinese. It can present numerous instances in which Japanese police have arrested Chinese and otherwise molested them on Chinese soil. The argument that under the system of extraterritoriality inconveniences occur in the arrest of Japanese offenders or in procuring evidence for use in trial are only arguments in favor of the surrender of extraterritorial rights. Other powers enjoying these rights in China do not pretend that they carry with them the right of police. The ground of extraterritoriality being disposed of, it may be said that mere numbers of Japanese residents in Manchuria is not a sufficient or proper ground for the establishment of a police administration.

"In conclusion it may be pointed out that the extension of Japanese military or police control over Chinese districts has been gradually expanding from very small beginnings in about 1900 and spreading out in various directions wherever an opportunity offered itself. China asks the conference to take appropriate measures to prevent further aggressions of this character and to relieve China of these impositions under which it is laboring to maintain its independence and integrity."

#### FORMATION OF SUBCOMMITTEE SUGGESTED BY CHAIRMAN.

5. The chairman said that without desiring to preclude further discussion or stand in the way of the fullest interchange of statements, he felt that the main point before the committee was to see how its work could best be advanced. While listening to the replies and counterreplies of the Chinese and Japanese delegates he had realized that there were certain broad considerations of fact underlying the statements of both parties. As he understood it, all the Japanese statements—and this applied equally to the treaty of 1905—came to the same thing; Japan offered to withdraw her troops when China accorded adequate protection of life and property. China now offered that protection, and requested the immediate withdrawal of the troops. The question as to whether China was able to provide protection would involve a complicated and detailed investigation of facts regarding such matters as the number of police needed, etc., which could scarcely be undertaken in the committee itself. He therefore suggested the formation of a subcommittee to hear the presentation of facts by both sides and recommend a practical course of action to the committee.

Mr. Sze said that the appointment of such a subcommittee would be quite agreeable to the Chinese delegation. He wished to call the attention of the committee to the fact that he had made no

reference to the matter of police, which might well be left for discussion in the subcommittee.

#### MR. VIVIANI'S PROPOSAL.

6. Mr. Viviani said that he fully agreed as to the impossibility of deliberating in full committee over facts regarding which no information was at hand; but if another subcommittee were formed of delegates, would they be any better informed? Moreover, the number of subcommittees was multiplying until it threatened to get out of hand. He suggested that since a commission of jurists had been charged with investigating on the spot the question of extraterritoriality, the examination of facts with regard to foreign troops in China might also be referred to it.

The chairman said that this suggestion seemed pertinent and wise. The question remained, however, whether the matter should go any farther before such reference was made. The subcommittee might make a little progress, but in the end it would be found necessary to ascertain the facts in the case. His own suggestion was that the committee first do everything in its power.

Senator Schanzer said that the Italian delegation supported Mr. Viviani's suggestion that the point in question be referred to the commission of jurists charged with the examination of the administration of justice in China.

#### MR. SZE'S PROTEST.

7. Mr. Sze stated that while always wishing to defer to the desire of his colleagues, he felt with regret that it would not be wise to send a commission of inquiry of this nature to China. It was hardly necessary to point out that there was no analogy between the foreign troops and the question of extraterritoriality. The latter question had been conceded by treaty and the former had no legal justification whatever. Conditions in China did not call for the stationing of large number of foreign troops or police in that country, and all the nations which had had military establishments in China, with the exception of the Japanese, had withdrawn them. Even the Japanese delegation themselves did not ask for the right of stationing them. They only asked for guarantees from China for the property and lives of their nationals in case of the withdrawal of the Japanese troops. If a commission should be appointed to investigate the situation in China on this question, it would not only fail to solve this question, but would further aggravate this question. The retention of these troops on Chinese soil was not only a limitation, but a violation of China's sovereign rights. Should the committee be in doubt on this question, they could leave it to a subcommittee to thrash out the facts. The very fact that Mr. Hanihara had said that Japan was disposed to withdraw the Japanese troops was quite sufficient.

The chairman asked whether there were any further comments. As he understood it, the question now before the committee was Mr. Viviani's proposal that the matter of foreign troops in China, the circumstances under which they were maintained there, and the

problems regarding their withdrawal, were to be referred to the commission appointed to investigate the question of extraterritoriality in China.

**JONKHEER VAN KARNEBEEK'S SUGGESTION.**

8. Jonkheer van Karnebeek said that he wished to make only a brief comment. He had no intention of expressing an opinion upon the question as to the maintenance of foreign troops in China. The interests of his country were not involved in this matter, and he would express no opinion as to whether it would be timely and profitable to inquire into the matter on the spot. He questioned, however, whether it was desirable to intrust these investigations to the same commission as that which was to deal with the problem of extraterritoriality and study the conditions under which justice is administered in China.

If he were not mistaken, this commission, in accordance with the latest decision, would not be composed of jurists. This was indeed the original intention, but, for several good reasons, it was abandoned. Now, in addition to this, it had been decided that powers other than those represented at this conference but whose interests are affected by the matter of extraterritoriality should be placed in position to collaborate with the committee, and the accession protocol was adopted to that end.

He had the impression that, in view of the collaboration of these powers, the desirability of extending the scope of the committee was doubtful. In the second place, the question of maintaining troops in China seemed to him to be one of a very different order and kind from that of extraterritoriality, and he did not venture to say that to combine the two questions and to intrust their solution to the same committee was really to be recommended. He had thought himself justified in submitting these thoughts to the consideration of the committee.

The chairman considered that Jonkheer van Karnebeek's observation was very important. The work of the commission on extraterritoriality should under no circumstances be hampered. The wisdom of appointing a separate commission to deal with the subject of troops in China was, however, open to question. It should be remembered that the function of the commission on extraterritoriality was primarily the investigation, not merely of Chinese law, which, as the committee had observed, was clear and admirably codified, but also of the actual administration of justice in China. This administration involved certain considerations of order—of the actual operations of government. For this reason, the questions of extraterritoriality and of troops in China did not appear to be wholly unrelated.

Mr. Hanihara expressed the opinion that in the interest of intelligent discussion it would be most useful to have an investigation of facts and conditions in China. This, he felt, might safely be intrusted to the commission on extraterritoriality. The Japanese delegation, therefore, supported Mr. Viviani's suggestion, with the understanding that the Japanese delegation, in agreeing to the proposal, did so with the understanding that the investigations of the commis-

sion should not be carried as far as questions of the interpretation of treaties, etc.

9. Mr. Balfour said that no one could have listened to this discussion or had in mind the previous discussions of the committee without arriving at the conclusion that many of the questions now confronting the delegates could not be settled without a fair and authentic account of the existing conditions in China. In his very able statement Mr. Sze had used phrases which seemed to suggest that in all circumstances, and from all points of view, China must be regarded as a fully organized and stable State. Mr. Balfour did not profess to be an expert on the subject, but he had made inquiries to the best of his ability, and felt that it was impossible to say that China had arrived at the condition of a stable country. It was in a state of transition from an old to a new system, and apparently there were large tracts where, to use a homely phrase, the writ of the Government did not run, and where the central Government had no adequate control. Mr. Balfour said that in this he might possibly be wrong; but if he were not mistaken it was evident that before the committee decided these questions, the actual facts in regard to China must be ascertained. If this was so, the question was, by what machinery should the countries represented at the conference and other States interested in the question of extraterritoriality best ascertain these facts? He believed that Mr. Viviani was right and that the proper machinery did not exist in this committee, the members of which had neither the necessary leisure nor the time. The only question was whether use was to be made of the commission already agreed to for investigating the question of extraterritoriality or whether some separate machinery must be contrived. Mr. Balfour went on to say that if he had understood correctly, Mr. Sze would propose to set up some new machinery, because the subjects were so different. This seemed a plausible contention at first sight, but he would ask Mr. Sze whether the question of extraterritoriality did not depend on the social conditions in China. If he (Mr. Balfour) was right in thinking that the question was concerned more with the administration of the law than with its actual code, then, he felt, the question of extraterritoriality was closely connected with that of the security of foreign life and property. If so Mr. Viviani was right, and the commission already decided upon was the fitting body to carry out the inquiry.

Mr. Balfour said that he had one other observation to make. He was not sure that the commission might not be charged with the study of those questions which Mr. Sze had put aside, namely, the maintenance of troops at Peking for the protection of the legations and Tientsin. These garrisons, when first established, were necessary. Are they necessary to-day? This question Mr. Balfour thought might well come up for investigation by the commission. On the whole, then, having listened impartially (since his country had no special interest in the question, maintaining as it did neither troops nor police in China, outside of the legation guard), Mr. Balfour ventured to suggest that the Chinese delegates should withdraw their objection and allow the commission to establish a solid basis of argument for facts, which can never be decided by assertion and counterassertion. In conclusion, Mr. Balfour said that if he were asked to give a vote it would be in favor of Mr. Viviani's proposal.



Sir Robert Borden desired to associate himself with what Mr. Balfour had said. He felt, however, that either such a committee as had been proposed, or else the drafting committee, must examine the terms of reference of this subject to the extraterritoriality commission. He doubted the necessity of introducing into these terms of reference some of the points which had been brought up for discussion in the committee. For instance, in the first paragraph of Mr. Hanihara's statement of November 30, there was nothing requiring investigation. This was not true, however, of paragraph 2. The Japanese Government was entitled to an assurance that China was able to afford adequate protection to the life and property of foreigners. This point would naturally be a subject of the investigation agreed on by the committee. He supposed, however, that if there were any matters on which an accord could be reached without an investigation, they would be gone into now.

The chairman proposed that if there were no objections the drafting committee should undertake to determine the terms of reference.

Mr. Viviani said that, thanks to the efforts of the chairman and Mr. Balfour, the discussion had at last clarified. The matter in hand, he felt, was a very delicate one. The drafting of the terms of reference had to be done in such a manner that China could not suppose that the powers, in attempting to help her, were in any way penetrating the sphere of her rights, and seeking to have a hand in matters with which they really wished to have nothing to do. He believed that the best way to avoid wounding her susceptibilities was to refer the matter to the drafting committee.

Jonkheer van Karnebeek said that in view of Sir Robert Borden's remarks he would not insist on his objection to combining the question of troops and extraterritoriality under one commission, and that he associated himself with Mr. Viviani's proposal.

The chairman said that he supposed there was now no objection to the drafting committee taking this subject in hand.

10. Mr. Sze said that the matter was a very serious one, in that it seemed to imply a confirmation of the right of one country to maintain armed forces in the territory of a friendly country against the will of the latter. China could never accede to this principle. He was therefore constrained to request that the question be adjourned until the following week in order that time be given the Chinese delegates to consider it thoroughly.

The chairman suggested that, as he understood Mr. Viviana's proposal, it was intended to carefully avoid any derogation of the principle already laid down. No inference could be drawn that there was any intention to do otherwise. Moreover, if the matter were referred to the drafting committee, there would be ample opportunity for further discussion. Should the committee not avail itself of such assistance as the drafting committee might render in the meanwhile?

Mr. Hanihara asked whether an opportunity would be afforded the Japanese delegation to reply to certain statements made by their Chinese colleagues. He had no desire to enter into recriminations, but he felt that it was plainly shown by these statements that the Chinese delegation had not understood the Japanese position.

At this point the chairman asked whether Mr. Hanihara desired to reply at that moment; to which Mr. Hanihara answered that he must prepare his remarks.

The chairman then asked whether Mr. Hanihara wished to make his reply before the matter was referred to the drafting committee.

Mr. Hanihara replied that this was a matter of indifference to him.

The chairman asked whether the reference of the matter to the drafting committee would be satisfactory to the Chinese delegation.

Mr. Sze said that he understood that the drafting committee was to take up the whole question of foreign troops in China and would be guided in its deliberations by the views expressed here in the committee. This procedure would be acceptable to the Chinese delegation, and he desired to know the pleasure of the committee.

The chairman said that he believed the committee was unanimously in favor of referring the matter to the drafting committee.

#### THE NEXT SESSION.

11. It was then determined that the next session should be held on Saturday, December 3, at 11 a. m., and that the subjects to be discussed should be (a) leased territories; (b) spheres of influence, and (c) the report of the drafting committee.

Mr. Hanihara asked whether he would have an opportunity to submit his statement and to distribute the necessary papers.

The chairman replied in the affirmative.

At the suggestion of Mr. Sze, it was agreed that the matter of leased territory should be discussed first at the following session.

After a tentative decision had been made to communicate to the press the text of Mr. Sze's statement, Sir Auckland Geddes suggested that the inclusion of this statement should be withheld until the Japanese reply was ready.

The meeting was thereupon adjourned to Saturday, the 3d of December, 1921, at 11 o'clock, a. m.

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#### TWELFTH MEETING—SATURDAY, DECEMBER 3, 1921, 11 A. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Silvercruys, Mr. Jadot, Mr. Cattier.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Dr. Tyau, Mr. Chao, Mr. Zee.

*France.*—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli, Mr. Duchene, Mr. Garnier.

*Italy.*—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini. Accompanied by Mr. Cora, Mr. Fileti.

*Japan.*—Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco. Accompanied by Jonkheer van Haersma de With, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, assisted by Mr. Pierrepont. Mr. Camerlynck and Mr. Talamon, interpreters.

1. The twelfth meeting of the committee on Pacific and Far Eastern questions was held in the Columbus Room of the Pan American Union Building on Saturday, December 3, 1921, at 11 o'clock a. m.

2. There were present: For the United States—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium—Baron de Cartier; for the British Empire—Mr. Balfour, Lord Lee, Sir Auckland Geddes, (for Canada) Sir Robert Borden, (for Australia) Senator Pearce, (for New Zealand) Sir John Salmond, (for India) Mr. Sastri; for China—Mr. Sze, Mr. Koo, Mr. Wang; for France—Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy—Senator Schanzer, Senator Rolandi Ricci, Senator Albertini; for Japan—Prince Tokugawa, Mr. Hanihara; for The Netherlands—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco; for Portugal—Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States—Mr. Wright, Mr. MacMurray; for Belgium—Mr. Silvercruys, Mr. Jadot, Mr. Cattier; for the British Empire—Sir Maurice Hankey, Mr. Lampson; for China—Dr. Tyua, Mr. Chau, Mr. Zee; for France—Mr. Kammerer, Mr. Massigli, Mr. Duchene, Mr. Garnier; for Italy—Mr. Cora, Mr. Fileti; for Japan—Mr. Saburi, Mr. Kimura, Mr. Saito; for The Netherlands—Jonkheer van Haersma de With, Mr. de Kat Angelino.

The secretary general of the conference, assisted by Mr. Pierrepont, was present. Mr. Camerlynck and Mr. Talamon, interpreters, were also present.

4. The chairman, Mr. Hughes, in opening the meeting, announced that the subject under discussion at the previous meeting being in the hands of a subcommittee, he would call upon the delegates from China to take up the question of leased territories.

#### LEASED TERRITORIES, CHINESE STATEMENT.

5. Mr. Koo stated that the existence of the leased territories in China was due in the original instance to the aggressions of Germany, whose forcible occupation of part of Shantung Province constrained the Chinese Government on March 6, 1898, to grant a lease for 99 years of the Bay of Kiaochow in the Shantung Province. This was closely followed, on March 27, 1898, by a demand on the part of Russia for the lease of the Liaotung Peninsula, in which are found the ports of Port Arthur and Dalny, along with the demand for the right of building a railway to be guarded by Russian soldiers traversing the Manchurian Provinces from Port Arthur and Dalny to join the Trans-Siberian Railway and Vladivostok. This was later the cause of the Russo-Japanese war which resulted in 1905 in the transfer of those territories to Japan with the consent of China. Following the lease of Kiaochow Bay to Germany and that of Port

Arthur and Dalny to Russia, France obtained from China on April 22, 1898, the lease of Kwangchowwan on the coast of Kwangtung Province for 99 years. Great Britain on June 9, 1898, secured the lease, also for 99 years, of an extension of Kowloon and the adjoining territory and waters close to Hongkong. and on July 1, 1898, the lease "for so long a period as Port Arthur should remain in the occupation of Russia" of the Port of Wei-Haiwei on the coast of Shantung. Both Great Britain and France based their claims for the leases on the ground of the necessity of preserving the balance of power in the Far East.

Mr. Koo added that while the measures and extent of control by the lessee powers over the leased territories varied in different cases, the leases themselves were all limited to a fixed period of years. Expressly or impliedly they were not transferable to a third power without the consent of China. Though the exercise of administrative rights over the territories leased was relinquished by China to the lessee power during the period of the lease, the sovereignty of China over them had been reserved in all cases. These leases were all creatures of compact, different from cessions both in fact and in law. As was stated in the beginning, these leaseholds were granted by China with the sole purpose of maintaining the balance of power in the Far East, not so much between China and the other powers, but between other powers themselves concerning China.

Twenty years had elapsed since then and conditions had entirely altered. With the elimination of German menace in particular, an important disturbing factor to the peace of the Far East had been removed. Russia had equally disappeared from the scene and it could be hoped with confidence that she would eventually return, not as the former aggressive power, but as a great democratic nation. The misrule of Manchu dynasty which had aggravated the situation had also disappeared. The very fact that this conference was being held at Washington for the purpose of arriving at a mutual understanding on the part of the powers, provided an added reason for dispensing with the necessity of maintaining the balance of power in the Far East, which was the principal ground on which the original claims of the different powers were based. In the absence of that necessity the Chinese delegation believed that the time had come for the interested powers to relinquish their control over the territories leased to them.

The existence of such leased territories had greatly prejudiced China's territorial and administrative integrity, because they were all situated at the strategical points along the Chinese littoral. Furthermore these foreign leaseholds had hampered her work of national defense by constituting in China a virtual "imperium in imperio," i. e., an empire within the same empire. There was another reason which the Chinese delegation desired to point out. The shifting conflict of interests of the different lessee power had involved China more than once in complications of their own. It would be sufficient to refer here to the Russo-Japanese war, which was caused by the Russian occupation of Port Arthur and Dalny. The Kiaochow leasehold brought upon the Far East the hostilities of the European war. Furthermore some of these territories were utilized with a view to economic domination over the vast adjoining regions,

as points d'appui for developing spheres of interest to the detriment of the principle of equal opportunity for the commerce and industry of all nations in China. In the interest not only of China, but of all nations, and especially with a view to the peace of the Far East, the Chinese delegation asked for the annulment and an early termination of these leases. But pending their termination these areas should be demilitarized—that is, their fortifications dismantled—and it was hoped that the lessee nations would undertake not to make use of their several leased areas for military purposes, either for naval bases or for military operations of any kind whatsoever.

In concluding Mr. Koo observed that the Chinese Delegation were, however, fully conscious of the obligations which China would entail after the termination of the leaseholds, and that the Chinese Government would be prepared to respect and safeguard the legitimately vested interests of the different powers within those territories.

The chairman remarked that this question was now open for discussion.

#### KWANGCHOW-WAN—POSITION OF FRANCE REGARDING.

6. Mr. Viviani made a formal declaration, in the following form:

"The French delegation has heard the detailed statement of the Chinese claims and is ready to examine them in the most friendly spirit.

"As Mr. Koo has just said, it was only after the other powers had obtained concessions of this sort that France requested the lease of Kwangchow-Wan, in order that the equilibrium of the powers in the Far East should not be disturbed to her disadvantage.

"We have developed the resources of the territory leased to us; we have brought the benefits of civilization to a country torn by piracy, we have established the reign of prosperity and peace to such a degree that the neighboring population seeks refuge on our territory in times of trouble. When China recovers Kwangchow-Wan she will receive back a country of greater value than the territory she had leased.

"These being the facts, I state that, since we have responded to the appeal of the American Government to perform a sincere and generous undertaking, we must pass from theory to action.

"The French delegation, in so far as it is concerned, welcomes the claims of China with the greatest favor.

"She must, however, add conditions to her acceptance: France can not be the only one of the powers to relinquish territory which has been leased to her; the settlement of the retrocession, on the other hand, should taken place under suitable conditions and in accordance with the forms which govern such transfers, all private rights being respected.

"Finally, it is thoroughly understood that China shall pledge herself not to alienate or to lease any other power the territory thus restored to her.

"In order to clearly define the position of the French Government, I have the honor to place in the hands of the chairman the statement which I am about to read:

"After having taken note of the request made by the Chinese delegation, December 1, 1921, the French delegation states that the

Government of the Republic is ready to join in the collective restitution of territories leased to various powers in China, it being understood that this principle being once admitted and all private rights being safeguarded, the conditions and time limits of the restitution shall be determined by agreement between the Chinese Government and each of the Governments concerned.’”

KIAOCHOW AND KWANTUNG PROVINCE.\*

7. Mr. Hanihara, on behalf of the Japanese delegation, submitted a statement in writing, as follows:

“STATEMENT OF JAPAN’S POSITION.

“The leased territories held by Japan at present are Kiaochow and Kwantung Province, namely, Port Arthur and Dairen. It is characteristic of Japan’s leased territories that she obtained them, not directly from China, but as successor to other powers at considerable sacrifice in men and treasure. She succeeded Russia in the leasehold of Kwantung Province with the express consent of China, and she succeeded Germany in the leasehold of Kiaochow under the Treaty of Versailles.

“As to Kiaochow, the Japanese Government have already declared on several occasions that they would restore the leased territory to China. We are prepared to come to an agreement with China on this basis. In fact, there are now going on conversations between representatives of Japan and China regarding this question, initiated through the good offices of Mr. Hughes and Mr. Balfour, the result of which, it is hoped, will be a happy solution of the problem. Therefore, the question of the leased territory of Kiaochow is one which properly calls for separate treatment.

“PORT ARTHUR AND DAIREN.

“The only leased territory, therefore, which remains to be discussed at the conference so far as Japan is concerned is Kwantung Province, namely, Port Arthur and Dairen. As to that territory, the Japanese delegates desire to make it clear that Japan has no intention at present to relinquish the important rights she has lawfully acquired and at no small sacrifice. The territory in question forms a part of Manchuria—a region where, by reason of its close propinquity to Japan’s territory more than anything else, she has vital interests in that which relates to her economic life and national safety. This fact was recognized and assurance was given by the American, British, and French Governments at the time of the formation of the international consortium, that these vital interests of Japan in the region in question shall be safeguarded.

“In the leased territory of Kwantung Province there reside no less than 65,000 Japanese, and the commercial and industrial interests they have established there are of such importance and magnitude to Japan that they are regarded as an essential part of her economic life.

“It is believed that this attitude of the Japanese delegation toward the leased territory of Kwantung is not against the principle of the resolution adopted on November 21.”

## BRITISH STATEMENT.

8. Mr. Balfour pointed out that leased territories, though nominally all described under the same title, were held under very different and varying circumstances. The Japanese delegation had already indicated that Shantung and Manchuria, respectively, were held on entirely different bases and must be considered from different points of view. Great Britain had two different kinds of leases, and these, as he thought the Chinese delegation itself would admit, must be held to stand on a different footing one from the other.

## KOWLOON.

Mr. Balfour referred first to the leased territory of Kowloon extension. Why, he asked, was it considered necessary that the leased territory of Kowloon should come under the same administration as Hongkong? The reason was that, without the leased territory, Hongkong was perfectly indefensible and would be at the mercy of any enemy possessing modern artillery. He hoped that he would carry the conference with him when he asserted that the safeguarding of the position of Hongkong was not merely a British interest but one in which the whole world was concerned. He was informed that Hongkong was easily first among the ports of the world, exceeding in this respect Hamburg before the war, Antwerp, and New York. Mr. Balfour then read the following extract from "The United States Government Commercial Handbook of China."

"The position of the British colony of Hongkong in the world's trade is unique and without parallel. It is a free port except for a duty on wine and spirits; it has relatively few important industries; it is one of the greatest shipping centers in the world; it is the distributing point for all the enormous trade of South China and about 30 per cent of the entire foreign commerce of China. The conditions of Hongkong in its relations to commerce are in every way excellent, and the Government centers all its efforts on fostering trade, while the future is being anticipated by increased dock facilities, the dredging of the fairways, and other improvements. The merchants, both native and foreign, give special attention to the assembling and transshipping of merchandise to and from all the ports of the world, and with the world-wide steamship connection at Hongkong the necessity of retransshipment at other ports is reduced to a minimum. Hongkong is the financial center of the East."

Mr. Balfour said he could not add anything to this perfectly impartial testimony to the conditions of absolute equality of nations under which the affairs of Hongkong were administered and the motives on which they were conducted. The lease of the Kowloon extension had been obtained for no other reason except to give security to the port of Hongkong, and it would be a great misfortune if anything should occur which was calculated to shake the confidence of the nations, using this great open port, in its security. He hoped he need say no more to explain that Kowloon extension was in a different category and must be dealt with in a different spirit from those leased territories which had been acquired for totally different motives.

## WEI-HAI-WEI.

9. Mr. Balfour then passed to the question of Wei-hai-wei. The acquisition by Great Britain of this lease had been part of the general movement for obtaining leased territories in 1898, in which Russia, Germany, and France, as well as Great Britain, had been concerned. The motive which had animated the Germans in acquiring Kiao-Chow had been largely to secure economic domination. The motive of the British Government, on the other hand, in acquiring the lease of Wei-hai-wei had been connected with resistance to the economic domination of China by any other powers; in fact, it had been based on a desire for the maintenance of the balance of power in the Far East with a view to the maintenance of the policy of the open door, and had been intended as a check to the predatory action of Germany and Russia. Mr. Balfour laid emphasis on the fact that the convention of July 1, 1898, confirming the lease, gave no economic rights or advantages to Great Britain. There had been no question of it being a privileged port of entry for British commerce, nor for the establishment of British commercial rights to the exclusion or diminution of the rights of any other power. In fact, on April 20, 1898, Great Britain had announced that "England will not construct any railroads or communication from Wei-hai-wei and the district leased therewith into the interior of the Province of Shantung." As regards the attitude of the British Government to the request of the Chinese delegation for an abrogation of those leases, Mr. Balfour stated that he had very little to add to, and he did not wish to qualify, the conditions contained in the statement just made by M. Viviani, which represented very much the spirit in which the British Government approached the question. The British Government would be perfectly ready to return Wei-hai-wei to China as a part of a general arrangement intended to confirm the sovereignty of China and to give effect to the principle of the "open door." This surrender, however, could only be undertaken as part of some such general arrangement, and he spoke with his Government behind him when he said that on these conditions he was prepared to give up the rights which Great Britain had acquired at Wei-hai-wei.

## RÉSUMÉ BY THE CHAIRMAN.

10. The chairman stated that everyone present must have been impressed by the disposition manifested in the discussion of this important subject. He summarized briefly the statements made:

Through Mr. Viviani, and in a most generous manner, France had made a very definite proposal, limited only by conditions which were admirable and fair. The United States had no leased territory in China, and its attitude was one of benevolent disinterestedness.

Mr. Hanihara for Japan had stated that, as had already been known, the matter of Shantung was being dealt with in the course of conversations outside of the conference, and that he hoped for a happy result. On the other hand, he had pointed out the difference between the status of Japan's rights in Port Arthur and Dalny and those in Kiao-Chow, and had stated that Japan had no intention of relinquishing the rights acquired in Fort Arthur and Dalny.



Mr. Balfour had illustrated the difference between the British leaseholds at Kowloon and Wei-Hai-Wei and, with regard to the latter, had shown a willingness on the part of Great Britain to relinquish her rights under conditions similar to those set forth by France; but had pointed out the importance of retaining Kowloon.

Continuing, the chairman observed that in view of the definite statements by Japan with regard to the retention of her rights in Port Arthur and Dalny, and by Great Britain with regard to her inability to relinquish Kowloon, it was necessary to inquire whether the French proposal to return Kwangchowwan and the British offer to relinquish Wei-Hai-Wei might be considered without the proviso which requires that all other leaseholds be relinquished. He desired to inquire whether consideration of the Shantung matter could be set aside, and whether other leases could be treated on a separate basis, and whether in view of the position taken with regard to the maintenance of Japanese rights in Kwantung Province and British rights in Kowloon, France and Great Britain would make more definite statements.

11. Mr. Balfour replied that this was a very specific question which his former statement, had it been clearer, would have answered; that he had never intended to imply that any action Great Britain might take with regard to Wei-hai-wei would be determined or guided by the disposition of the Manchurian question; that he had not had Dalny in mind at all, but had been thinking of the Shantung peninsula, in which Wei-hai-wei is situated. He then declared that the British Government's policy was to make use of the surrender of Wei-hai-wei to assist in securing a settlement of the question of Shantung and that, if agreement could be reached on this question, the British Government would not hesitate to do their best to promote a general settlement by restoring Wei-hai-wei to the Central Government of China.

12. Mr. Viviani replied that France had made a generous offer which she considered final in case the equitable conditions she had attached thereto were fulfilled. Since the latter action of the Japanese and British Empire delegations, however, that offer could no longer be considered final, as reservations had been made by both of those delegations. France also might have made reservations, considering the fact that she was offering to restore more than she had received. Mr. Viviani added that in view of the special interests which, according to the statements of the other delegations, complicate the restoration of certain leased territories, France desired to examine the new situation thus created.

13. The chairman, to summarize the statements made, stated it as his understanding that—

(a) France had made a generous and definite proposal hinging on certain conditions which had not yet been met, and therefore desired to examine the resulting situation.

(b) Japan was carrying on special conversations with China in regard to Shantung.

(c) Great Britain had expressed readiness to relinquish Wei-hai-wei in order to aid in the general settlement of the Shantung question.

There were thus altogether five special situations, two relating to Shantung, one to Kwantung, one to Kowloon, and one to the French

conditions which had not been met. What had been said had been very helpful in leading to the result desired. The proposal made by France was a most important forward step and the British offer respecting Wei-hai-wei marked decided progress. The chairman did not think the Chinese delegates should feel disappointed at the progress made, but he did not see what the committee could do further in the matter, as it was not a question of general policy, unless it was desired to submit the matter for a general statement of results to the committee on draft.

14. Mr. Koo stated that after listening to the various observations of his colleagues around the table, the members of the Chinese delegation would be false to their sentiment if they did not associate themselves with the words of the chairman regarding the spirit which had animated all those who had taken part in this discussion. He wished especially to thank Mr. Viviani for the generosity and good neighborliness of the French proposal, adding that he used the words "good neighborliness" advisedly because France and China had many interests in common through the French possession of Indo-China. Although Mr. Viviani had asked for an opportunity to reexamine the question, Mr. Koo felt certain he would enter upon that task in the same generous spirit that had animated him in making the proposal originally.

As for the position of Mr. Hanihara, with regard to the leased territory in Manchuria, Mr. Koo said he could understand it and, while not able to accept all of Mr. Hanihara's reasons, found it perfectly intelligible. The statement that Japan had no intention of giving up her lease in Manchuria had indeed been received with great disappointment. The Chinese delegation had no desire to press the question at this particular moment.

Mr. Koo acknowledged great force in what Mr. Balfour had said with regard to the importance of Hongkong and realized that Kowloon, being essential to the defense of Hongkong, presented a more complicated question than did Wei-hai-wei. He hoped that the question of Kowloon might be examined further, but again the position of Great Britain was clear. The British readiness to restore Wei-hai-wei, and the spirit in which Mr. Balfour had announced it, were very gratefully noted by the Chinese delegation, who took them as a very welcome indication of the importance attached by the committee to the principles which had been adopted. While Mr. Koo felt the relinquishment of the leased territories would contribute greatly to the welfare of China and the future peace of the Far East, he was disposed to await a more opportune moment to discuss the four leased territories other than Wei-hai-wei. For the time being, however, if there was no objection on the part of the committee, he would suggest that the matter should be referred to the drafting committee, which could formulate the sentiments expressed here in the form of a resolution, giving a sense of the attitude of this committee on the question of leased territory in general, and particularly the readiness of Great Britain in relinquishing her leased territory of Wei-hai-wei. He did not wish to urge this course, however, if there was opposition to it.

Mr. Viviani explained that he wished only to ask for time in which to consider the new circumstances and to reflect.

15. The chairman inclined to the view that it was unnecessary to ask the committee on draft to try to explain in a resolution what had been said at this meeting, and that, after deciding upon what should be made public, a further statement from Mr. Viviani at a later meeting should be awaited.

PRESS COMMUNIQUE.

Mr. Viviani desired that the declaration made on the part of France be made public.

The chairman stated that for the press communeque the statement by Mr. Koo would be given out, followed by the French declaration and by the statements which Mr. Hanihara and Mr. Balfour would themselves prepare for the secretary-general, who would add that further discussion of the matter was reserved.

16. Mr. Hanihara called attention to one phase of a paper circulated by the Chinese delegation, i. e., item 5, reading "violations of Chinese neutrality by Japanese," and stated that, while he had no desire to enter into an argument, he could not let that statement pass without taking exception to it, the position of Japan being that she had never violated the neutrality of China. He wanted to have this point recorded.

The chairman thought it very important to have full discussion but that nothing should be introduced that would interfere with a harmonious understanding. He thought it obvious that this was not a matter for discussion and recommended that the Chinese delegation should not publish the paper presented at the beginning of the meeting, but should withdraw it, and that the communeque should include only what Mr. Koo had said at the opening of the meeting.

Mr. Koo said that recommendation coincided exactly with the view of the Chinese delegation.

ADJOURNMENT.

17. The chairman explained that on Tuesday, December 6, in the House of Representatives, the President of the United States would deliver his annual message to Congress; that the delegates would receive appropriate invitations to be present on that occasion; and that in view of the progress being made in various subcommittees and in the important conversations regarding Shantung, he would suggest adjournment to Wednesday morning, December 7, at 11 o'clock a. m.

The committee adjourned until that time.

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THIRTEENTH MEETING—WEDNESDAY, DECEMBER 7, 1921, 11 A. M.

PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. MacMurray, Mr. Wright.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Cattier, Mr. le Tellier, Chevalier de Wouters.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia),

Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China*.—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Mr. Chao, Mr. Zee.

*France*.—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli, Mr. Duchene, Mr. Garnier.

*Italy*.—Senator Schanzer, Senator Albertini. Accompanied by Marquis Viscount Venosta, Mr. Cora, Mr. Giannini.

*Japan*.—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Saito, Mr. Kimura.

*The Netherlands*.—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco. Accompanied by Jonkheer van Haersma de With, Mr. de Kat Angelino.

*Portugal*.—Viscount d'Alte, Captain Vasconcellos.

The secretary general, assisted by Mr. Paul.

Mr. Camerlynck and Mr. Talamon, interpreters.

1. The Committee on Pacific and Far Eastern Questions held its thirteenth meeting at 11 o'clock, Wednesday, December 7, in the Columbus Room of the Pan American Union Building.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for The Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Moresco; for Portugal, Viscount d'Alte, Captain Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. MacMurray, Mr. Wright; for Belgium, Mr. Cattier, Mr. le Tellier, Mr. Le Chevalier de Wouters; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for China, Mr. Chao, Mr. Zee; for France, Mr. Kammerer, Mr. Massigli, Mr. Duchene, Mr. Garnier; for Italy, Marquis Visconti-Venosta, Mr. Cora, Mr. Giannini; for Japan, Mr. Saburi, Mr. Saito, Mr. Kimura; for The Netherlands, Jonkheer van Haersma de With, Mr. de Kat Angelino.

The secretary general of the conference, assisted by Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman, Mr. Hughes, opening the session, communicated to the committee the desire of Mr. Smith, of Jefferson (Georgia), as expressed through Representative Bell, of the Congress of the United States, that a gavel made from the wood of the tree under which Dr. Crawford W. Long performed, on May 3, 1842, the first surgical operation with ether as an anesthetic, be used at a session of the conference. No objection thereto being voiced by the delegates, the gavel was used for that purpose during the present session of the committee.

5. Prince Tokugawa made a suggestion, which was seconded by Mr. Balfour and Mr. Viviani, that the chairman be requested to convey to Mr. Underwood an expression of the sincere condolence of the conference for the sad loss he had recently sustained in the death

of his mother. The chairman expressed sincere thanks to Prince Tokugawa and the other delegates for their expression of sympathy, which would be conveyed to Mr. Underwood.

6. The chairman then inquired whether the subcommittee on draft was ready to report on the matter of foreign troops in China.

Mr. Root said that the subcommittee on draft had two subjects in hand, (a) wireless stations in China, and (b) foreign troops in China. In regard to the first, the subcommittee was ready to submit a resolution; as to the second, it could report that progress was being made. Mr. Root then read the following report:

"The subcommittee on draft begs to report the following resolution regarding radio stations in China.

"The representatives of the powers hereinafter named participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal,

*"Have resolved*, 1. That all radio stations in China whether maintained under the provisions of the international protocol of September 7, 1901, or in fact maintained in the grounds of any of the foreign legations in China, shall be limited in their use to sending and receiving Government messages and shall not receive or send commercial or personal or unofficial messages, including press matter: *Provided, however*, That in case all other telegraphic communication is interrupted, then, upon official notification accompanied by proof of such interruption to the Chinese ministry of communications, such stations may afford temporary facilities for commercial, personal, or unofficial messages, including press matter, until the Chinese Government has given notice of the termination of the interruption.

"2. All radio stations operated within the territory of China by a foreign Government or the citizens or subjects thereof under treaties or concessions of the Government of China shall limit the messages sent and received by the terms of the treaties or concessions under which the respective stations are maintained.

"3. In case there be any radio station maintained in the territory of China by a foreign Government or citizens or subjects thereof without the authority of the Chinese Government, such station and all the plant, apparatus, and material thereof shall be transferred to and taken over by the Government of China, to be operated under the direction of the Chinese ministry of communications upon fair and full compensation to the owners for the value of the installation, as soon as the Chinese ministry of communications is prepared to operate the same effectively for the general public benefit.

"4. If any questions shall arise as to the radio stations in leased territories, in the South Manchurian Railway zone or in the French concession at Shanghai, they shall be regarded as matters for discussion between the Chinese Government and the Government concerned.

"5. The owners or managers of all radio stations maintained in the territory of China by foreign powers or citizens or subjects thereof shall confer with the Chinese ministry of communications for the purpose of seeking a common arrangement to avoid interference in the use of wave lengths by wireless stations in China, subject to such general arrangements as may be made by an international conference convened for the revision of the rules established by the

International Radio Telegraph Convention signed at London July 5, 1912."

The chairman inquired whether there was any discussion of this report.

Mr. Hanihara said that he would like to ask Mr. Root if two points previously made by him (Mr. Hanihara) were clearly understood, namely, that the wireless station at Hankow would be withdrawn simultaneously with the withdrawal of the Japanese troops from the same locality; and that the wireless stations at Tsingtau and Tsinanfu would be disposed of when the Shantung question was settled.

Mr. Root stated that his recollection agreed with Mr. Hanihara's statement. The subcommittee had not attempted to deal specifically with any matter which would properly be disposed of in any agreement which might be reached during the conversations now going on in regard to Shantung.

Mr. Viviani accepted the resolution of the subcommittee on draft on behalf of the French delegation, and stated that he was happy to attest to the encouraging progress made by the conference. He had nothing to add to, or withdraw from, the text of this resolution, but, without wishing in any way to minimize the importance of the document, or to ask for a vote thereon, he wished to express once more an idea which he had previously had occasion to formulate.

The conference, he said, was only writing the preface, so to speak, to a work of vaster scope. The possibility should be kept in mind of a future general agreement which would bring the greatest material and moral benefit to China as well as to the other nations concerned. At the present moment, three great radio companies were fighting for the Chinese field: The Marconi Co., the Mitsu Co., and the Federal Wireless Telegraph, to say nothing of enterprises which have been, or may be, launched by other nations. This competition had brought about a deplorable situation for everyone concerned—a situation which, from the point of view of the number of persons involved, as well as that of material expenses, would soon become unbearable.

It would be strange indeed, Mr. Viviani continued, if this situation did not secure the consideration of the conference, which, in its attempts to reduce armaments, was prompted not only by high-minded impulses, but by a desire to relieve the peoples of the world from the crushing burden of military budgets. Now that means were being sought to put an end to the competition in armaments, could the competition in the realm of wireless telegraphy be ignored? As far as armaments were concerned, one might possibly conceive that a given State, in arming, hoped to get a return for its expenditures by going to the length of provoking war, if need be; in matters of wireless telegraphy, however, the experts had declared that the present competition, if persisted in, can only end by creating a situation which will render all communication impossible through the confusion of the emanations of the various stations. When one foresees so preposterous a result, it would seem superfluous to lay further stress on the difficulties which would accrue from a continuation of the present state of affairs.

Mr. Viviani wished to call attention to the fact that the ideas he had just expressed had not originated with him, similar views having been developed by the American Government. While the treaty of Versailles was being negotiated, the American plenipotentiaries had made it plain that, in matters relating to wireless telegraphy, an era of cooperation should supplant that of competition; and they had favored the calling of a special conference.

Mr. Viviani said that he did not ask that immediate action be taken on his statement; he merely wished that it should go on record. As for the text of the resolution prepared by the committee presided over with such distinction by Mr. Root, he accepted it without any modification.

The Chairman asked if there were any further observations.

Mr. Koo said that he wished to associate himself with Mr. Viviani in approving the resolution read by Mr. Root. He also confirmed Mr. Hanihara's understanding as to the maintenance of the wireless station at Hankow, but added that if his (Mr. Koo's) recollection was correct, Mr. Hanihara had stated, in reply to a question put to him in the subcommittee, that, pending the removal of the station, it would be used only for military purposes.

Mr. Hanihara replied that he had stated in the subcommittee that the Japanese wireless station at Hankow was, and would be, purely for military use. He now confirmed that statement.

The chairman said he assumed that both statements made by Mr. Hanihara regarding the station at Hankow would be entered in the minutes, and that this would be sufficient. The same might be said in regard to Mr. Hanihara's remarks concerning wireless stations at Shantung. He was confident that the members of the committee were agreed that the point raised by Mr. Viviani was of serious importance, and he observed that as it required careful consideration, Mr. Viviani might possibly care to bring forward at some time a resolution in some acceptable form for the consideration of the conference, looking to such action in this matter as the powers might be disposed to take.

The chairman then observed that the question was now on the resolution of the subcommittee, and inquired whether action should be taken.

A vote was taken on the resolution of the subcommittee on draft, which was unanimously approved.

The chairman said that the subcommittee on draft had reported progress in the matter of foreign troops in China. The committee now came to the consideration of leased territories in China. He inquired whether the Chinese delegation desired to make a statement in this regard.

Mr. Koo observed that at the last meeting the question had arisen, but that its decision had been postponed, as the hour was late. At this previous meeting, Mr. Hanihara had made a statement outlining Japan's position in regard to the Kwantung Peninsula—that is, Port Arthur and Dalny. In reply to this, the Chinese delegation offered the following statement:

“At the meeting of the Committee on Pacific and Far Eastern Questions on December 3, Mr. Hanihara read a statement outlining the position of Japan with reference to the leased territories of

Kiaochow and Kwantung Peninsula, namely, Port Arthur and Dalny. The Chinese delegation desire to offer a few observations on the statement in the hope that the position of China on this question may be equally well understood. The declaration that Japan succeeded Germany in the leasehold of Kiaochow under the treaty of Versailles is obviously one unilateral in character to which China, not being a party to that treaty, can not be expected to subscribe.

"It is, however, gratifying to note the reference to the fact referred to in the statement to the fact that Japan obtained her leased territories in China not directly from her but from other powers at considerable sacrifice in men and treasure, because this assurance appears to confirm the views of the Chinese delegation that the maintenance of foreign leased territories in China jeopardizes the peace in the Far East. It will be recalled that Russia's possession of Port Arthur and Dalny and Germany's possession of Kiaochow eventually brought two wars on Chinese territory and resulted in the installation of Japan herself in these leased areas.

"As to the leased territory of Kwantung Province, namely, Port Arthur and Dalny, its original term will expire in 1925, and while an extension to 99 years was obtained by Japan in 1915 it was obtained in such circumstances that the dispute about its validity remains one of the most grave outstanding questions between China and Japan.

"Both Port Arthur and Dalny are situated in Manchuria, which is an important part of Chinese territory. Not only does the national safety of China rely upon the safeguarding of Manchuria as an integral portion of the Chinese Republic, because these three eastern Provinces, as the Chinese people call Manchuria, have been the historic road of invasion into China throughout the past centuries, but also the security of the economic life of the Chinese people depends in a very vital measure upon the conservation and development with the surplus capital of the world of the natural and agricultural resources in Manchuria—a region where to-day an abundance of raw material and food supplies are already accessible to all nations, on fair terms and through the normal operation of the economic law of supply and demand. Moreover, Manchuria is an important outlet for the surplus population from the congested provinces in other parts of China.

"In view of the foregoing facts, it is clear that China has such truly vital interests in Manchuria that the interests of any foreign power therein, however important they may be in themselves, can not compare with them. The fact of close propinquity of Manchuria to Korea, if it justifies any claim to consideration, can be equitably appealed to only on the condition of reciprocity.

"As to the statement that assurance was given by the American, British, and French Governments at the time of the formation of the international consortium, that the vital interests of Japan in Manchuria shall be safeguarded, the Chinese delegation do not feel in a position, since China was not consulted at the time, to express an opinion as to the question of its accuracy. Should such assurance have been given, they could not, however, conceal their feeling that it can not be reconciled with the principle which was adopted by the



conference on November 21 of respect for the sovereignty, the independence and the territorial and administrative integrity of China.

"As to the leased territory of Kowloon, leased to Great Britain, much is to be said for the importance of Hongkong to the trade of nations, and for the way in which its facilities are made accessible to the traders of the world, and while there may be a necessity to provide for the protection of the Hongkong Harbor in the interests of such trade, the retention of Kowloon may not necessarily be, in the view of the Chinese delegation, the sole solution of this problem."

"In making the foregoing statement, however, the Chinese delegation have desired only to make its position clear and they wish to reserve further observations on the question of the leased territories till a later opportunity, if the committee is not prepared to continue discussion at this meeting."

Mr. Hanihara requested that he be allowed to reserve the privilege of making a reply to the remarks of the Chinese delegation regarding Kiochow and Manchuria at one of the future sessions of the committee, as he was not prepared to do so now.

The chairman observed that in the course of the discussion reference had been made by the Japanese and Chinese representatives to the attitude of the United States in relation to the consortium. He assumed that the representatives of Japan and China had no intention of referring to anything other than the actual texts of the correspondence; and as this had been made public, he did not consider it necessary to add anything thereto at this time.

The chairman continued that only certain powers were directly concerned in the matter of leased territories, and that these had already made statements of their position: France had asked time for further consideration, and Japan wished to make a statement later. As nothing more could be done for the moment, the discussion might be postponed, unless the pleasure of the committee were to the contrary.

Mr. Hanihara stated that when the question of foreign troops was under discussion at a previous meeting, he had expressed his desire either to make an oral statement in reply to certain observations of the Chinese delegation, or to distribute printed copies of his statement. He had already furnished each delegation with copies of his statement on the morning of December 5, and he wondered whether he should now read the statement before the committee or whether, to save time, the committee would consider the distribution of the copies as an actual oral statement and record it in the minutes accordingly.

The chairman assumed that no objection would be taken to this course, and that the statement would be taken as if read. The privilege would, of course, be granted the delegates to reply to the Japanese statement, if they so desired.

The statement of Mr. Hanihara was as follows:

"It does not necessarily follow that because a certain principle is accepted it should be applied in all cases immediately and without qualification. In proceeding to its practical application we must not lose sight of particular facts and circumstances that surround each individual case. While constantly keeping the ac-

cepted principle in view, we should go forward step by step toward its complete realization in such a manner as will maintain due harmony with the actual situation prevailing in each instance.

"I should state in all frankness that the stationing of our troops and police in some parts of China is solely due to our instinct for self-protection. It is admittedly a costly and thankless undertaking to maintain our troops and police in a foreign land. We should only be too glad to be relieved of that responsibility if the efficient system of protection and control over our nationals resident in China were in operation.

"In this connection I can only repeat the significant fact that there exists a state of affairs in China which, apart from the question of treaty rights, renders necessary the presence of foreign troops in the very capital of China.

"With reference to the Shantung railway guards, China has declared her intention to send a suitable force of Chinese police for the protection of the railway. She has, however, so far failed to send any such police force to whom the Japanese troops can actually hand over the duties.

"Turning to the subject of the South Manchuria railway guards, Mr. Sze's observation on the interpretation of the additional agreement to the treaty of 1905 seems to us hardly convincing. The fact pointed out by the Chinese delegation that Russia has withdrawn her troops from Manchuria apparently refers to the condition of things created by the existing anomalous situation in Russia. It does not prove that Russia has definitely agreed to the withdrawal of her troops as is contemplated in the Sino-Japanese agreement of 1905.

"That agreement also provides that when tranquillity shall have been reestablished in Manchuria and when China shall have become herself capable of affording full protection to the lives and property of foreigners Japan will withdraw her railway guards simultaneously with Russia. Referring to that provision I would like to invite the attention of the committee to the actual conditions described in the written statement which I shall presently lay before you. (See Appendix I.)

"As for the contention that China should be given an opportunity of proving her ability to maintain peace and order in Manchuria, the reply is obvious: Japanese interests and Japanese security are matters of such importance that she can not afford to take obvious risks. By taking such chances as are suggested we should do no good either to China or to ourselves. We should not pander to a sentimental idea at the risk of creating grave international difficulties in a region which has already been the source of a life and death struggle on the part of Japan in a war which did more to preserve the integrity and independence of China than perhaps any other that has ever been fought.

"With regard to the stationing of Japanese troops at Hankow, I believe that I have made our position sufficiently clear at a previous meeting of the committee, and I shall not attempt to repeat it. I would only add that in many cases of local disturbances in and around Hankow the menace to the security of foreign communities in general assumed so serious a proportion that those various com-

munities organized volunteer corps for their self-protection, and that the Japanese garrison was called upon to extend active assistance and cooperation to the foreign volunteer corps.

"It may not be out of place to give here a short account of the deplorable condition of disorder and lawlessness in China proper (See Appendix II.)

"In connection with the subject of Japanese troops stationed along the Chinese Eastern Railway, criticisms have been made by the Chinese delegation on the continued presence of Japanese expeditionary forces in Siberia. The Japanese delegation desires to reserve the discussion of this question for a suitable opportunity which will later on be afforded by the conference. For the present I shall content myself by pointing out that the stationing of Japanese troops along the Chinese Eastern Railway is due to the interallied agreement of 1918, in which China participated, and that those troops will be withdrawn immediately upon the evacuation of Maritime Province by Japanese forces.

#### "APPENDIX I.

"Regarding the present situation in Manchuria, even in and around the South Manchurian Railway zone, where peace and order are well maintained, the Chinese bandits have often made raids, having evaded the supervision of the Japanese railway guards.

"The facts above mentioned are clearly shown in the attached lists No. A and No. C.

"The condition of lawlessness and unrest prevailing in the interior of Manchuria far from the railway zone is beyond description. The attached list No. B shows the number of cases of attacks made on the Japanese by the Chinese bandits while the Japanese were traveling through those parts of Manchuria.

"The actual cases of attacks made by them have been far more than we have shown here, because in the attached list we have mentioned only the ones which were reported to the Japanese authorities.

"The number of cases of attacks made by them on the Koreans might be still greater. But most of the Koreans' cases are not reported to the Japanese authorities for fear of a retaliation by the bandits.

"The condition is worse in North Manchuria.

"In the region along the Chinese Eastern Railway, where they have the Chinese railway guards, we are informed that there were 50 cases of attacks made by the bandits during the months of April and May, 1921.

"The forces of the bandits numbered from 50 to 400 men in each case and they committed every kind of ravage.

"The outrages committed by the Chinese bandits in Chien-Tao last year well demonstrate the fact that lawlessness and disorder are prevailing in that part of Manchuria.

"In the worst case, the Chinese bandits made three attacks in the daytime on the city of Hungchung, near the Japanese border line, regardless of the fact that the Chinese troops were stationed in that city, and not only the Japanese consulate was burned but also a number of the Japanese were massacred by them."

## No. A.

*Cases of attacks by Chinese bandits within the South Manchuria Railway zone beyond the Kwantung leased territory.*

Year.	Number of cases.	Year.	Number of cases.	Year.	Number of cases.
1906.....	9	1912.....	33	1918.....	82
1907.....	32	1913.....	69	1919.....	106
1908.....	30	1914.....	64	1920.....	183
1909.....	46	1915.....	86		
1910.....	34	1916.....	71	Total.....	1,001
1911.....	57	1917.....	99		

*Cases of the Japanese injured by the Chinese bandits while traveling in South Manchuria.*

	Number of cases.		Number of victims.		Dead.		Number of persons injured.			
							Seriously wounded.		Slightly wounded.	
	Within railway zone.	Outside railway zone.	Within railway zone.	Outside railway zone.	Within railway zone.	Outside railway zone.	Within railway zone.	Outside railway zone.	Within railway zone.	Outside railway zone.
1913.....	7	13	7	21	1	1	3		3	3
1914.....	11	13	14	19	3		2	6	1	4
1915.....	11	32	15	42			6	2	4	1
1916.....	15	43	16	53	3	3	4	8	7	5
1917.....	19	49	25	58	5	3	5	9	11	2
1918.....	17	35	18	41	2	4	6	10	3	5
1919.....	35	36	44	51	10	12	9	8	5	6
1920.....	32	24	41	30	3	3	5	12	3	3
Total.....	147	245	180	315	27	26	37	58	34	29

## No. C.

*Number of the Chinese criminals arrested within the South Manchuria Railway zone by the Japanese authorities and handed over to the Chinese authorities.*

Year.	Thieves.	Bandits.	Burglars.	Others.	Total.
1909.....	1,148		103	474	1,725
1910.....	1,093	18	70	534	1,712
1911.....	799	6	33	863	1,701
1912.....	959	16	39	678	1,692
1913.....	808	33	96	697	1,634
1914.....	1,033	55	64	729	1,881
1915.....	1,024	45	121	757	1,946
1916.....	1,003	54	111	510	1,678
1917.....	1,032	46	128	757	1,963
1918.....	1,324	63	116	917	2,424
1919.....	1,244	31	65	1,193	2,533
1920.....	1,671	14	134	1,211	3,030
Total.....	13,182	378	1,079	9,320	23,568

## "APPENDIX II.

"The utterly unstable condition of China can be visioned at once from even a cursory review of the persistent and flagrant manner in which the bandits commit crimes everywhere in open daylight

and the incessant disorders caused by military elements there. A peculiar significance attaches to the incidents cited below because they have taken place in China proper, and they arose largely from the nonpayment of soldiers' wages and their hatred and grudge against the grafting officers, who too often fatten themselves at the expense of the privates. If the depredations and robbery committed by the defeated soldiers following the battle between the factions of the two Kuan Provinces (South China) and the uprising in Yunan and Kweichow and the battle of Shansi and in the uprisings in Manchuria and Mongolia and other border disturbances were taken into account, the number of such incidents would assume a tremendous scope. And it is no exaggeration at all to say that there scarcely passes a day when China is free from such political disorder. Even the major uprisings of this type which came to pass in the 11 months between October, 1920, and August, 1921, amounted to 33, as follows:

"1. Chung-King, Szechuan Province (Oct. 14, 1920). Skirmishes took place between two factions of Chinese troops in urban districts. Pillage was committed and one Englishman was killed. The British warship in port had to fire.

"2. Ho-Chien, Chihli Province (Oct. 31, 1920). Disturbances took place in the city, and 50 stores were attacked by soldiers.

"3. Kao-Yang, Chihli Province (Nov. 17, 1920). Disturbances continued six days; troops pillaged 30 villages. More than 100 persons were injured.

"4. Pao-Ting, Chihli Province (Nov. 23, 1920). Uprisings of soldiers.

"5. Hsu-Chang, Honan Province (Nov. 10, 1920). As a result of disorder and pillage more than 40 persons were killed or injured, and more than 1,300 houses were attacked and pillaged. Damages amounted to several million taels.

"6. Kui-Yang, Kui-Chao Province (Nov. 10, 1920). Massacre was committed by the troops. From 80 to 90 persons were slaughtered.

"7. Ping-Yang, Hunan Province (Nov. 14, 1920). Disturbances between two different sections of Chinese Army took place, in which the commander of the army was murdered.

"8. Huan-Chow, Hupeh Province (Nov. 18, 1920). Pillage threatened but barely prevented by a promise to distribute money among soldiers.

"9. Chung-Hsian, Hupeh Province (Nov. 22, 1920). Chinese troops pillaged almost all the stores in the city.

"10. Tien-Men, Hupeh Province (Nov. 24, 1920); Nau-Lin-Hsian, Hunan Province (Nov. 25, 1920). Uprising of troops during which houses and stores were looted.

"11. Yang-Shin, Hupeh Province (Nov. 25, 1920); Fu-Chi-Kow (Nov. 25, 1920). Chinese troops mutinied and attacked the customs office and stores.

"12. Yi-Chang, Hupeh Province (Nov. 29, 1920). Skirmishes took place in the city, causing fire; Chinese troops pillaged 14 Japanese stores. Other Japanese stores and storage of Japanese steamship company were burned down. The British America Co. and several other foreign firms were all burned down.

"13. Ta-Yeh, Hupeh Province (Nov. 30, 1920). Disturbances were caused by troops, all the stores in the city sustaining heavy damages.

"14. Hsian-Yang, Hupeh Province (Dec. 1, 1920). Insurrection of soldiers.

"15. Sha-Shi, Hupeh Province (Dec. 10, 1920). Threatening situation reported on account of nonpayment of soldiers' salaries.

"16. King-Chun, Hupeh Province (Dec. 10, 1920). Soldiers forced merchants' guilds to make contributions.

"17. Chang-Sha, Hunan Province (Dec. 5, 1920). Uprising of Chinese troops during which the mint was looted, anarchic conditions continuing for three days.

"18. Yueh-Chow, Hunan Province (Jan. 25, 1921). Wholesale pillage of stores in the city and railway traffic blocked for several days.

"19. Hsin-Yii, Kiang-si (Jan. 20, 1921). Factional fights among soldiers accompanied by depredation of stores and houses.

"20. Pao-ting, Chihli Province (Feb. 13, 1921). Mutiny of soldiers, 3,000 houses and stores spoiled.

"21. Shen-Hsien, Chihli Province (Feb. 22, 1921). Soldiers mutinied and robbed stores.

"22. Sha-shi, Hupeh Province (Feb. 23, 1921). Mutiny of troops, because of nonpayment of 10 months. They set fire to the stores and pillaged them. Damages amounted to more than 10,000,000 taels.

"23. Chang-te, Honan Province (Apr. 16, 1921). Serious disturbance caused by factional fights by troops.

"24. Chou-Chia-Kow, Honan Province (Mar. 12, 1921). Soldiers caused trouble and disorder in the town.

"25. Hsin-Yan, Honan Province (May 31, 1921). Insurrection occurred with mutiny and pillage.

"26. Yi-Chang, Hupeh Province (June 8, 1921). Soldiers joined by local bandits, committed ravage and incendiarism, seven or eight hundred lives lost.

"27. Wu-Chang, Hupeh Province (June 8, 1921). Troops pillaged stores and destroyed the mint. Banks and all the principal firms and stores were burned down. The same soldiers, led by their commander, restored order in the town the following day.

"28. Fu-Chi-Kow (June 20, 1921). Troops caused trouble. Many were injured and much damage done to property.

"29. Wu-fu, An-Kui Province (June 2, 1921). Disturbances caused by troops. Merchants' guilds forced to make pecuniary contribution.

"30. Nan-Chang, Kiang-si Province (latter part of June, 1921). Chinese troops pillaged the village; an officer was murdered.

"31. Hsiao-hsien, Hupeh Province (Aug. 24, 1921). Chinese troops damaged railroads, railroad trucks, cut telephone wires, and committed pillage.

"32. Wu-Chue (Aug. 15, 1921). Pillage by soldiers lasted for 24 days in and around the town.

"33. Wu-Chang (Aug. 24, 1921). Insurrection of troops."

Mr. Sze, referring to the Japanese memorandum submitted by Mr. Hanihara, stated that the Chinese reply thereto was in course of preparation and would be ready to submit to the committee at a

later date. He added that he had not finished his statement at the previous meeting, particularly with regard to foreign police on Chinese territory. This matter had not been brought up in the subcommittee on draft. He asked whether the matter was to be dealt with by the subcommittee on draft, or the subcommittee on extra-territoriality.

The chairman replied that, subject to correction, his understanding was that this matter had been referred, together with that of foreign troops, to the subcommittee on draft, and that he would regard it as disposed of unless the delegates were opposed to this course. He then stated that this seemed to be the sense of the committee.

Mr. Koo inquired whether it was to be understood that the question of police was to be taken up by the subcommittee on draft.

The chairman said that if it was felt that the matter should go before the full committee, discussion might be entered into at once; but when the discussion was closed, the matter would be considered as referred to the subcommittee.

Mr. Sze said that a statement on the neutrality of China would be made by Dr. Wang.

The chairman observed that in order to keep the order of the day in mind the subject under discussion at the moment fell under the items in the American agenda of territorial and administrative integrity of China, to which point 5 of the Chinese proposal related; and that it was now proposed by the Chinese delegation to engage in a discussion of point 8 of their proposal, which also related thereto. Point 8 was stated as follows: "China's rights as a neutral are to be fully respected in future wars to which she is not a party."

Dr. Wang stated that the proposition advanced by the Chinese delegation regarding the neutrality of China was an obvious one, being in substance a corollary of the first of four resolutions adopted by the committee on November 21. This subject, he declared, would not be presented for discussion but for the fact that in the past, China's rights in this respect had been so grievously disregarded. Dr. Wang said that he need only refer the committee to the Russo-Japanese War, which, as far as land operations were concerned, was fought wholly upon Chinese soil. Again, at the time of the military expedition against Tsingtau in the late war, belligerent troops landed at a point 150 miles from the Leased Territory of Kiao-Chow.

Dr. Wang went on to say that it was clear that should similar incidents occur there would be furnished just cause of complaint by the nonoffending belligerent power, not only against the offending belligerent power but against China herself. Furthermore, they would tend to weaken throughout the world the respect due, in time of war, to neutral powers. With these preliminary remarks, Dr. Wang concluded he would leave this question to the pleasure of the committee.

Mr. Balfour said that the entire committee must agree in principle to Dr. Wang's declaration; but the case might arise when China was unable to defend its neutrality and to prevent an attack through Chinese territory by one power on another power. In such an event he supposed the latter power would be entitled to take the necessary precautions. He did not anticipate that this contingency was likely to arise, but cases had occurred in the past when China was unable to defend its neutrality, and the possibility could not be excluded.

The chairman said that the committee would observe that the Chinese statement asks that China's rights as a neutral were to be fully respected. This does not attempt to define rights or modify principles of existing international law. Any case must, therefore, according to this declaration, be judged according to the existing canons of international law.

Mr. Balfour said that on this understanding he fully concurred in the Chinese declaration of principle.

Mr. Hanihara said that he would like to associate himself with Mr. Balfour's remarks. No country now desired to assail the neutrality of another country, but when a country is not in a position to fulfill its obligations as a neutral, then the other powers must defend themselves.

The chairman asked whether this proposition was acceptable to the committee. It hardly seemed necessary to submit it to the subcommittee on draft, since the members of that body, with all their astuteness, could hardly draw up a more definite statement.

Mr. Viviani supported the proposal of the chairman and of Messrs. Balfour and Hanihara, and gave his opinion that the matter should not be referred to the subcommittee.

The question was then put to a vote, each delegation being polled, and the statement as set forth in point 8 of the Chinese proposals was unanimously accepted.

Mr. Sze requested the adjournment of the committee until the next meeting, in order that more time might be given for the discussion of the Shantung question, which was to come up that afternoon.

The chairman observed that, as the Chinese and Japanese delegates were being hard pressed, the committee might adjourn, if agreeable to all present, until 11 a. m. the following day.

Mr. Sze said that the subject to be taken up at the next day's session would be the third Chinese proposal ("with a view to strengthening mutual confidence in maintaining peace in the Pacific and the Far East, the powers agree not to conclude between themselves any treaty or agreement directly affecting China or the general peace in these regions without previously notifying China and giving her an opportunity to participate"). After that, the Chinese delegation would bring up the matter of spheres of influence, regarding which documents had already been distributed.

Mr. Root requested that the committee on draft meet immediately after the adjournment of the session.

After arranging for the announcement to the press, the committee adjourned until 11 a. m. Thursday, December 8, 1921.

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#### FOURTEENTH MEETING—THURSDAY, DECEMBER 8, 1921, 11 A. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. le Tellier, Mr. Cattier, Mr. Jadot.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia),



Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey.

*China*.—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Mr. Huo, Mr. Hwang, Mr. Zee.

*France*.—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchène.

*Italy*.—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Fileti, Mr. Cora, Mr. Giannini.

*Japan*.—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*The Netherlands*.—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. E. Moresco. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

*Portugal*.—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, accompanied by Mr. Osborne. Mr. Camerlynck and Mr. Talamon (interpreters).

1. The Committee on Pacific and Far Eastern Questions held its fourteenth meeting in the Columbus Room of the Pan American Union Building, on December 8, 1921, at 11 o'clock a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for The Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. Secretaries and advisers present included the following: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. le Tellier, Mr. Cattier, Mr. Jadot; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for China, Mr. Huo, Mr. Hwang, Mr. Zee; for France, Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchène; for Italy, Marquis Visconti-Venosta, Mr. Fileti, Mr. Cora, Mr. Giannini; for Japan, Mr. Saburi, Mr. Kimura, Mr. Saito; for The Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino. The secretary general of the conference, assisted by Mr. Osborne, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

#### PAINTING PORTRAIT OF THE CONFERENCE.

4. The chairman, Mr. Hughes, said that before proceeding to the regular business before the committee he wished to raise the question of having a group portrait of the delegates to the conference; there was a distinguished American artist, Mr. Johansen, who, according to the information which had been received, was the best man available, and who was anxious to paint the picture; he desired individual sittings; there was no contract between Mr. Johansen and the American Government, but, if the delegates were willing to give him the sittings desired, there was no objection.

## MORE TIME TO BE GIVEN SUBCOMMITTEES.

5. The chairman then said he had been informed that there was a great deal of work to be done outside the committee in the Sino-Japanese conversations regarding Shantung and by the various subcommittees, particularly the subcommittee on draft, and it was possible that quicker progress might be made if more opportunity were given to the subcommittees to get on with their work. He suggested, therefore, that it would conduce to progress if the committee held a short meeting and adjourned until Saturday. The suggestion received general assent.

6. The chairman asked whether the discussion should be proceeded with.

## NO. 3 OF CHINESE PROPOSALS.

Mr. Koo read point 3 of the Chinese proposals as follows:

"With a view to strengthening mutual confidence and maintaining peace in the Pacific and the Far East, the powers agree not to conclude between themselves any treaty or agreement directly affecting China or the general peace in these regions without previously notifying China and giving to her an opportunity to participate."

Mr. Koo said that the essential principle laid down therein was that the Chinese Government should have previous notification of the negotiation of any treaty or agreement which would affect Chinese interests.

Agreements had in the past frequently been made relating to the Far East or to China particularly without participation on the part of China or previous notice to the Chinese Government. In agreements of this kind the nations concerned were presumably disposing of rights and interests belonging to them or were giving mutual promises with regard to action which they would take or from which they would abstain. Taking any one of these agreements by itself it might be argued that its subject matter was composed entirely of rights, interests, and actions of the parties to the agreement.

These agreements, he said, fell roughly into two divisions, the one being in the nature of mutual engagements to abstain from certain action in special parts of China, the other being engagements for mutual assistance in support of the general interests of all foreign powers in China or of the special interests claimed by the parties to the agreement.

As to these treaties and agreements, Mr. Koo said he felt that they were all so well known to the members of the committee that the complete enumeration of them or specific illustrations would be unnecessary.

The first kind of agreements usually was in the nature of an engagement on the part of one contracting party not to seek any railway concessions in one part of China in return for a similar promise on the part of the other contracting parties not to seek railway concessions in another part of China.

At first it might seem as if a nation were within its rights in promising another to forego certain opportunities within a specific region. But any deeper examination of this matter would imme-

diately show that there were a great many objections to such a method of arranging the action of one nation upon the territory of another. In the first place, it involved an incipient national monopoly or preference within the region affected, because the nation which had secured a promise of abstention from one power would then proceed with efforts to secure a similar promise from others. Thus by the making of only one agreement two nations would be backing a system of artificial limitation of economic activities.

The rights of China were involved both because she must wish that all the parts of her territory should be open on equal terms, or on such terms as she herself should determine, to foreign capitalists, merchants, and residents. As soon as such treaties as the above were made, without consultation with China, her territory was divided into distinct spheres for foreign enterprise. To this she could by no means be indifferent.

The other group of treaties dealt with the safeguarding and defending of territorial rights or special interests in the Far East, including or specially mentioning China.

These all had one or more of the following three features:

(1) A declaration that the contracting parties had a special interest in having order and a pacific state of things guaranteed in the regions of China adjacent to the territories where the contracting powers had rights of sovereignty, protection, or occupation, and an engagement to support each other for assuring peace and security in these regions; or

(2) A declaration to support the independence and integrity of China and the maintenance of the open door for foreign commerce and to aid each other for the defense of the contracting parties' special interests in said regions; or

(3) The recognition by one contracting power that, since propinquity creates special relations, the other contracting power had special interests in China.

It was clear that any one of the foregoing three features must be of vital interest to China. The assurance of peace and order in any part of Chinese territory was a matter of great concern to China herself. The maintenance of the independence and territorial integrity of China touched the supreme rights of China. As to the recognition of propinquity as creating special interests in China, it was equally obvious that such recognition could not be valid, because special interests on Chinese territory could not be created without the consent of China, and China had always contested the soundness of the doctrine of propinquity.

The effect of all such treaties and agreements had been to maintain in China conditions which intimately affected the rights, prospects, and liberty of action of China herself.

It appeared, therefore, that the Chinese Government had an equitable right to be consulted in all agreements which dealt with, or pretended to deal with, the general situation in the Far East, including China. Even if such treaties were animated by an entirely friendly spirit toward China, yet their bearing was such that they might involve consequences which would result in limitation on Chinese freedom of action; even such treaties, therefore, should not be made without consultation with China.

It might, of course, be said that China, not being a party to such treaties, need in no way recognize them nor consider herself bound by any of their provisions. That was legally true. But the political effect produced by a group of such treaties, just as in the case of spheres of influence, tended so to modify the political and economic situation in China that no efforts on the part of the Chinese Government would succeed in preserving its liberty of action. Should recognition be given to the practice that China need not be consulted, the total results of a group of such cases must be examined. In that case it was plain that vital interests of China would be affected, and that the nature of activities and interests within China would be determined entirely by the action of outside powers. The Chinese Government would then find itself obliged to move along grooves laid down by others without having once had an opportunity of insisting upon her own life needs as seen by herself.

It must therefore be concluded that though an individual agreement might, on the face of it, concern only the action of outside powers, if that action related to China, the Chinese Government could not remain indifferent to it, because of the effect which the continued practice of making agreements of this kind would have upon the liberty of movement and the development of the Chinese Government and the nation itself.

Mr. Balfour said that, if none of his colleagues desired to speak immediately, he would give utterance informally to his first thoughts on Mr. Koo's remarks. With the broad aspirations expressed by Mr. Koo all must be in sympathy. The whole tenor of the discussion on China's affairs proved the desire to remove, as far as possible, the abnormal conditions existing in China, and to bring relations with China into that normal course of policy which regulates the relations between civilized states. He was not sure, however, that Mr. Koo's method was the best means of achieving this. One of the most important passages in Mr. Koo's speech had referred to spheres of influence. So far as Great Britain was concerned, spheres of interest were things of the past. The British Government had not the slightest wish to prolong a situation which, so far as they were concerned, had been explicitly abandoned. A better way of dealing with the matter was to make clear what had already been implicitly, if not explicitly, indicated, namely, to declare that no one wished to perpetuate either the system of spheres of interest or the international understandings on which they depended.

How did spheres of interest come into existence? Because, at a certain period of Russian and German aggression in China, other powers, in order to prevent China from being cut up before their eyes, had to do for each other what China could not do for herself. In China's interest, as well as in their own, they had to guard against their exclusion from legitimate opportunities of enterprise. This was due not so much to their own policy as to China's want of policy; not in consequence of their own strength, but of China's weakness. Mr. Balfour thought it was the hope of all those present to place China in a position to defend her interests, to protect her neutrality, and no longer to be the prey of acquisitive powers. He did not think that this end was likely to be attained by adopting the broad principles proposed by the Chinese delegation, but rather

by dealing with the difficulties which beset China one by one, as the committee were actually doing, e. g., in their dealings with such questions as spheres of interest, post offices, extraterritoriality, etc. That was likely to be a most useful and fruitful method. Another method, which ought to be still more fruitful, must be dependent on China herself. All that the conference could do was to see that no undue limitations, no limitations which were not necessitated by the facts of the situation, were placed on China's sovereign independence, and to give all the help in its power toward the creation of a pure and vigorous administration. He could not see that the position was helped by the principle proposed by the Chinese delegation, which went a good deal beyond any existing principle of international law. The term employed, namely, "The Pacific and Far East," was as broad as the Pacific itself. He could not believe that the powers represented at the table would accept it, more especially as China was not in possession of material forces to enable her to carry out any policy outside her own frontier. He asked if it had occurred to Mr. Koo that his principle involved a limitation of the treaty-making rights of powers which could hardly be accepted. Mr. Balfour then read the following extract:

"The Powers agree not to conclude between themselves any treaty or agreement directly affecting China on the general plan in these regions without previously notifying China and giving her an opportunity to participate."

Translated into international language, this would prevent France and Belgium from entering into a defensive treaty of any kind without consulting Germany. Such a limitation could not be accepted. All agreed that treaties had been entered into not only in regard to China but also to other nations which reflected no credit on those who had concluded them. For this evil the great remedy was publicity. Most of the nations represented at this conference were members of the League of Nations and were bound under article 18 of the covenant to register their treaties with the league, which was under an obligation to publish them. The United States of America was not a member of the League of Nations, but its Constitution necessitated wide publicity in regard to treaties. Hence, all the powers to which Mr. Koo referred were bound to make their treaties public and give them the widest notoriety. That was the real protection for China. The whole world would become the judge of future treaties. He would therefore ask his Chinese friends not to press the committee to adopt the resolution under discussion, but to deal with particular evils, as the conference was doing. Mr. Balfour then quoted the first of the resolutions drafted by Mr. Root and adopted by the committee on November 21, 1921:

"To respect the sovereignty, the independence, and the territorial and administrative integrity of China."

This resolution, if sincerely carried out, would do all that the too wide proposal made by Mr. Koo could effect, without raising the difficulties inseparable from his scheme.

The chairman said he desired to say a few words and to offer a few suggestions, in order to find a point upon which the committee might agree. He was sure that all understood the deep concern which had prompted the proposal of the Chinese delegation and

that there was general sympathy with China in her desire that there should be no engagements of any character interfering with the establishment of a sound, stable, and efficient government in China; but note must be taken of actual conditions. The question was, therefore, how could aid be rendered most effectually in the light of present circumstances. The committee had agreed in the second paragraph of the Root resolution "To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;" that was not only a pledge but, he believed, a recognition of the fundamental fact that China alone could develop and maintain an effective and stable government. This could not be done by others—China must do it herself, but other Governments could afford her the opportunity and possibility of doing so. But there must be patience; development in China is an age-long process. The hurrying peoples must be patient, for the matter could never be worked out by coercion or by rousing the passive resistance of the Chinese people against interference in their public affairs. There was no wish to interfere while waiting, but there was a wish to aid.

This, he said, was the spirit of the conference. The powers concerned were most anxious to help and to assist this legitimate aspiration. And the opportunity was one which could not be conserved by any action that took advantage of China's plight.

If that were the spirit, discussion of the specific question presented in paragraph No. 1 of the Root resolution might be taken up. It had been agreed to respect the integrity and sovereignty of China and this naturally implied agreement by China to respect the integrity of other powers. Each power should be free to make the agreements necessary for the preservation of its proper interests; any general proposition going so far as to derogate or limit the right to make agreements relative to fundamental, legitimate interests would be one not easily defended.

The chairman then observed that there might be treaties affecting China not adverse to China, but it could be said that there would be no *secret* engagements. Mr. Balfour had quite properly said that the other Governments here represented were bound not to make such engagements and that the Government of the United States could not. More than that could be done, however; there could be recorded an expression of a desire to be helpful to China in the preservation of the legitimate field of her administrative autonomy and a reassertion, in connection with paragraph No. 1 of the Root resolution, of the determination to do nothing in derogation of the sovereignty, independence, and territorial and administrative integrity of China.

Therefore, if there were embodied in the resolution relating to treaties the principles underlying the Chinese proposal and an expression of the intention to do nothing in derogation of these principles and to make no treaties or engagements in derogation of the sovereignty and administrative integrity of China, all that China desired would be attained without the committee being led into a discussion of the theoretical freedom of the treaty-making power.

The chairman therefore suggested that the Chinese delegation advance some qualification of their proposal which would permit the matter to be discussed in that sense.

Mr. Hanihara said that he had very little to add to what Mr. Balfour had so ably stated. He only desired to make the point of view of the Japanese delegation clear by saying a few words. The Japanese delegation believed that the sovereign nations had the right of concluding any treaty or agreement between themselves. At the same time, with the growing influence of public opinion and of international law, it was daily becoming evident that, should a treaty or agreement prove prejudicial to the peace of the world or violative of the rights of third powers, it was bound to fall by itself under the strong pressure of popular condemnation, if not on account of action taken against it by the aggrieved parties, either through direct diplomatic representation or through the instrumentality of the League of Nations, of which China was a member. But an engagement by the powers under the formula now proposed by China would operate as a serious limitation upon their sovereign right and, in the opinion of the Japanese delegation, it was neither necessary nor desirable.

Sir Auckland Geddes said he ventured to suggest a resolution as a means of surmounting the difficulty. After recalling the terms of the four resolutions adopted by the committee on November 21, he suggested that to these should be added a fifth, as follows:

"To enter into no treaty, agreement, arrangement, or understanding, either with one another or individually or collectively, with any other power or powers which would infringe or impair the principles which they have herein declared."

The chairman remarked that Sir Auckland Geddes' draft resolution was a specific proposal containing the pith of what the Chinese delegation desired to present.

Mr. Koo said that the Chinese delegation realized the importance attached to sovereign rights by every nation and considered it very natural for their colleagues on the committee to wish to safeguard these rights so far as possible. In fact, in submitting the third Chinese proposal that morning this same thought had been in their minds, and they urged its adoption mainly because they felt it would contribute to mutual confidence and friendly relations and to the maintenance of peace in that very important region, the Far East. It was perfectly true, as had been stated, that the rehabilitation of China must come from China herself. The treaty powers, as the chairman had observed, could conserve to China the opportunity of independence and the freedom to develop herself and, just for this reason, they should put an end to their practice of making agreements concerning China which diminished and impaired the opportunity for China to develop herself and rendered ineffective the friendly help and assistance which they desired to give her.

Mr. Koo said Mr. Balfour had referred to another important point, namely, publicity. Even to this day, Mr. Koo continued, China knew only vaguely that treaties existed concerning her to which she was not a party and the contents of which she did not know; the secrecy of these treaties was a cause of additional concern. He was glad to feel that the observations of his colleagues had clarified the question under discussion. In reference to Sir Auckland Geddes' proposal, Mr. Koo said that the delegates of China found that it would meet to a considerable extent the purpose they had in mind; he wished to suggest, however, the addition of a clause precluding the possibility of keeping other engagements

secret since all were agreed as to the desirability of publicity for all treaties.

Mr. Koo said that he was in agreement with Mr. Hanihara in regard to the power of public opinion at the present time; but however searching it might be, it was difficult for its force to make itself felt, if the terms of treaties were not all made known. In closing, Mr. Koo again suggested an additional clause safeguarding the publicity of such instruments as did not fall within the category indicated by Sir Auckland Geddes' proposal by providing for their publication under the proposed article.

Mr. Root said he hoped his friend Mr. Koo would not permit the better to be the enemy of the good; Sir Auckland Geddes's Resolution had several advantages; one of which was that it was a protection to every Government against the pressure of its own nationals to get things they ought not to have; every Government knew this pressure of private interests going beyond the better trained and broader view of the Government itself.

There was an old English nursery rhyme which ran "Leg over leg the dog went to Dover." He suggested that the committee follow this example and nail down the good thing within its reach: the question of publicity could better be dealt with when the committee took up the question of spheres of influence. In regard to this latter question, Mr. Root believed that Mr. Balfour's statement that morning had created a new situation in regard to spheres of influence; it was, he said, the most public, open, positive declaration that had come to his notice; he recalled correspondence between the United States and Great Britain a few years ago when Mr. Balfour himself, as Minister for Foreign Affairs, had taken the position that Great Britain could not give up certain exclusive rights, confirmed by agreements with China, in what was then known as the British sphere, in the valley of the Yangtze, because other nations held rights to their spheres, and as long as British subjects were excluded from them Great Britain could not surrender her own rights; that stage had now been passed, and an endeavor should be made to define and make clear the new position. The question of publicity would inevitably be taken care of, but that should not stand in the way of what Sir Auckland Geddes suggested.

Mr. Balfour said he did not wish to discuss then the correspondence of 1917, to which Mr. Root had referred, as it was of very little immediate relevance to the question. It was, however, worth while for him to state, in order that it might appear on the records of the committee, that on October 31, 1921, the parliamentary undersecretary of the foreign office had made the following declaration in the House of Commons:

"The policy of spheres of influence in China has been superseded by one of international cooperation, and the further development of this policy will no doubt form one of the subjects of discussion at Washington."

The chairman then inquired whether the committee was ready to act in regard to the fifth article, which was proposed to be added to the statement of principles in the resolution adopted on November 21.

Mr. Hanihara said that, with all respect to the sponsor of the proposal and to the views expressed by Mr. Root, he regretted that



he was not quite ready to agree. It was not that Japan had any thought of entering into any treaty, agreement, arrangement, or understanding which might infringe or impair the sovereignty of China; the reason he had in mind was that, in the first paragraph of the "Root Resolutions," agreement had been reached "to respect the sovereignty, the independence, and the territorial and administrative integrity of China," and inasmuch as the committee had given expression to this principle he could not conceive how any of the powers represented here would enter into any treaty contravening it. The adoption of Sir Auckland Geddes's formula seemed not only unnecessary, in view of the fact that the principle embodied in it had already been stated most clearly in the first item of the Root resolution, but what he was most afraid of was that it might weaken the force of that resolution.

In the second place, Mr. Hanihara continued, according to its present form, all powers who were parties to the resolution were to be bound in their activity by the formula, whereas China would be left free to enter into whatever treaties or other arrangements she desired; in this connection he wished to refer back to China's history and to point out that on several occasions China had entered into agreements with various countries which had resulted in placing limitations on her own administrative integrity and had been the cause of many difficulties in her foreign relations.

In the third place, Mr. Hanihara continued, if the formula under consideration were adopted, the criticism might be incurred that the sovereign rights of the powers who were parties to the resolution were subject to limitations.

As concerned the question of publicity, Mr. Hanihara said that article 18 of the covenant of the League of Nations, which he quoted, specifically stated that all treaties and agreements entered into by members of the league were to be registered with the league as soon as possible and were thereafter to be published; this, Mr. Hanihara believed, would serve the purpose of the formula under consideration sufficiently and effectively.

The chairman said the point made by Mr. Hanihara seemed in substance to be that the adoption of Sir Auckland Geddes's proposal was unnecessary because it was already covered in the first paragraph of the "Root resolution," and that by adopting it the powers were weakening its force. This objection on the part of Mr. Hanihara was, the chairman thought, disposed of by the fact that the statement contained in the proposal under discussion was a specific application of the broad principle already adopted. It was true, the chairman thought, that the proposal under discussion was implied in what had already been said, but he did not believe that the powers were weakening the principle by accepting a specific application which would emphasize their point and make effective that general principle. It was therefore a question whether the committee considered this necessary. The United States Government gave its assent because it believed it a useful and definite statement of a general principle.

Mr. Viviani stated that he had two reasons for supporting the proposal of Sir Auckland Geddes which had been accepted by the American delegation.

In the first place, even if the proposed addition was not needed, it must certainly be admitted that in diplomatic and legal docu-

The resolution was then put to a vote, each delegation being polled, and the resolution was unanimously adopted.

It was decided that the statement to the press should consist of such remarks made during the discussion by the members of the various delegations as they should communicate to the secretary general.

The committee then adjourned until Saturday, December 10, 1921, at 11 a. m.

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**FIFTEENTH MEETING—MONDAY, DECEMBER 12, 1921, AT 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Le Tellier, Mr. Cattier, Mr. Jadot.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India), Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. M. T. Z. Tyau, Mr. C. T. Hoo, Mr. Zee.

*France.*—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchène.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Filoti, Mr. Cora, Mr. Giannini.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Jonkheer, J. C. A. Everwijn. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The Secretary General, accompanied by Mr. Cresson.

Mr. Camerlynck and Mr. Talamon, interpreters.

The Committee on Pacific and Far Eastern Questions held its fifteenth meeting in the Columbus Room of the Pan American Union Building, on December 12, 1921, at 11 a. m.

There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy Senator Schanzer, Senator Albertino; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Jonkheer J. C. A. Everwijn; for Portugal, Viscount d'Alte Capt. Vasconcellos.

Secretaries and Advisors present included the following: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. Le Tellier, Mr. Cattier, Mr. Jadot; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for China, Mr. C. T. Hoo, Mr. M. T. Z.

tion merely "to enter into no treaty, agreement, arrangement or understanding," but should include an undertaking "to take no step." He did not rise to oppose the resolution but he himself thought it would be better to omit it, or, if it were adopted, to extend its scope.

Mr. Hanihara said he thought the additional statement was unnecessary but was most afraid that, if it were adopted, some doubt might arise in the public mind as to the sincerity behind the principles adopted. He was not against the spirit of the proposed addition but thought it might weaken the force of the principle already adopted. Furthermore, he thought that, if Sir Auckland Geddes's formula was to be adopted, it was necessary and just that China should be a party to it and he therefore proposed that the resolution should be so worded that China also was bound in her actions in the same manner as the other powers concerned, and, further, that the resolution, if it was to be adopted, should not be incorporated in the "Root Resolutions" but should stand as a separate resolution.

Jonkheer van Karnebeek said he personally was in favor of the proposal of the British ambassador for the reasons given by Sir Auckland Geddes himself and those advanced by Mr. Viviani. He asked whether it would not be opportune to submit the matter to the drafting committee and in this connection called attention to two points:

(1) The statement of principles to which a fifth was about to be added was intended as a working basis for this conference, not as the text of a final agreement.

(2) The question had arisen as to whether and in what measure the resolution would be open for the accession of Powers not represented there.

The drafting committee might well examine, Jonkheer van Karnebeek thought, the primary question as to the nature of the resolution and might present a text in which the present proposal should be inserted, and might also consider the position of the other powers.

The chairman remarked that the suggestion made by Mr. Hanihara was of considerable importance; China should not be left free to make treaties with other powers in derogation of the principles adopted, and this raised the question of the advisability of including China with the other eight powers; Mr. Hanihara's objections could be met by including China in the resolution and by adopting it as wholly separate from the resolutions adopted on November 21. He asked whether further discussion was desired and said that the United States assented to the resolution, with the modifications he had suggested, as follows:

"That the powers attending this conference, hereinafter mentioned, to wit, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal declare that it is their intention not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or individually or collectively with any power or powers, which would infringe or impair the principles which have been declared by the resolution adopted November 21 by this committee."

The resolution was then put to a vote, each delegation being polled, and the resolution was unanimously adopted.

It was decided that the statement to the press should consist of such remarks made during the discussion by the members of the various delegations as they should communicate to the secretary general.

The committee then adjourned until Saturday, December 10, 1921, at 11 a. m.

# FIFTEENTH MEETING—MONDAY, DECEMBER 12, 1921, AT 11 A. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Le Tellier, Mr. Cattier, Mr. Jadot.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India), Accompanied by Sir Maurice Hankey, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. M. T. Z. Tyau, Mr. C. T. Hoo, Mr. Zee.

*France.*—Mr. Viviani, Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchène.

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*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Jonkheer, J. C. A. Everwijn. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The Secretary General, accompanied by Mr. Cresson.

Mr. Camerlynck and Mr. Talamon, interpreters.

The Committee on Pacific and Far Eastern Questions held its fifteenth meeting in the Columbus Room of the Pan American Union Building, on December 12, 1921, at 11 a. m.

There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Viviani, Mr. Sarraut, Mr. Jusserand; for Italy Senator Schanzer, Senator Albertino; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Jonkheer J. C. A. Everwijn; for Portugal, Viscount d'Alte Capt. Vasconcellos.

Secretaries and Advisors present included the following: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. Le Tellier, Mr. Cattier, Mr. Jadot; for the British Empire, Sir Maurice Hankey, Mr. Lampson; for China, Mr. C. T. Hoo, Mr. M. T. Z.

Tyau, Mr. Zee; for France, Mr. Kammerer, Mr. Massigli, Mr. Garnier, Mr. Duchene; for Italy, Marquis Visconti-Venosta, Mr. Fieliti, Mr. Cora, Mr. Giannini; for Japan, Mr. Saburi, Mr. Kimura, Mr. Saito; for the Netherlands, Jonkheer van Starckenborgh, Mr. de Kat Angelino. The secretary general of the conference, assisted by Mr. Cresson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

The chairman, Mr. Hughes, asked for the report of the committee on foreign post offices in China.

Senator Lodge then read the following resolution which had been adopted November 28:

#### RESOLUTION.

"A. Recognizing the justice of the desire expressed by the Chinese Government to secure the abolition of foreign postal agencies in China, save or except in leased territories or as otherwise specifically provided by treaty, it is resolved:

"(1) The four powers having such postal agencies agree to their abandonment subject to the following conditions:

(a) That an efficient Chinese postal service is maintained;

(b) That an assurance is given by the Chinese Government that they contemplate no change in the present postal administration so far as the status of the foreign codirector general is concerned.

"(2) To enable China and the powers concerned to make the necessary dispositions, this arrangement shall come into force and effect not later than -----.

"B. Pending the complete withdrawal of foreign postal agencies, the four powers concerned severally undertake to afford full facilities to the Chinese customs authorities to examine in those agencies all postal matter (excepting ordinary letters, whether registered or not, which upon external examination appear plainly to contain only written matter) passing through them, with a view to ascertaining whether they contain articles which are dutiable or contraband or which otherwise contravene the customs regulations or laws of China."

Senator Lodge stated the above resolution had been read, amended, and approved in the full committee, but the date had been left open for consideration by the Japanese Delegates; he had received a letter from Mr. Hanihara, which he would now read:

"DECEMBER 9, 1921.

"DEAR SIR: With regard to the proposed abolition of foreign postal agencies, I am happy to inform you that my Government have no objection to the initiation of the arrangement as from the date in the draft resolution—that is, not later than January 1, 1923.

"In announcing this agreement of my Government, I am instructed to state before the committee their desire concerning the maintenance of efficient Chinese postal service substantially to the following effect:

"Taking into account the fact that the proposed change in the postal regime in China can not fail practically to affect the Japanese to a much greater extent than any other nationals, the Japanese Government wish to place on record their desire that a suitable number

of experienced Japanese postal officers be engaged by China, to promote the efficiency of the Chinese postal administration. The reasonableness of this desire will readily be appreciated, when it is considered that the powers concerned have recognized the need of effective foreign assistance in the Chinese postal administration, and that no less than 70 British subjects and 20 Frenchmen are in that service, while Japan is there represented by only two experts.'"

(Signed) M. HANIHARA.

"HON. HENRY CABOT LODGE,

*"Chairman, subcommittee for Foreign Post Offices in China."*

Senator Lodge said that the acceptance of the date, January 1, 1923, by the Japanese completed the resolution. While such action would be but a formality, he thought it best to take another vote. At the same time he called attention to the desires expressed by the Japanese Government in Mr. Hanihara's letter.

The chairman asked the committee whether it was desired to discuss or to vote upon the question. The matter was put to vote.

Mr. Hanihara, in the course of the call, referring to the letter read by Senator Lodge, said he wished to place upon record certain changes desired by his Government. In place of the words "to promote" he desired to substitute the phrase "in the interests of efficiency." Again, in the closing paragraph, he desired to substitute in an appropriate place the phrase "while only two Japanese experts are employed."

The chairman said that he would read into the record the changes proposed by the Japanese in the terms of their letter, and that so amended it would read:

"DEAR SIR: With regard to the proposed abolition of foreign postal agencies, I am happy to inform you that my Government have no objection to the initiation of the arrangement as from the date in the draft resolution—that is not later than January 1, 1923.

"In announcing this agreement of my Government, I am instructed to state before the committee their desire concerning the maintenance of efficient Chinese postal service substantially to the following effect:

"Taking into account the fact that the proposed change in the postal regime in China can not fail practically to affect the Japanese to a much greater extent than any other nationals, the Japanese Government wish to place on record their desire that a suitable number of experienced Japanese postal officers be engaged by China in the interest of the efficiency of the Chinese postal administration. The reasonableness of this desire will readily be appreciated, when it is considered that the powers concerned have recognized the need of effective foreign assistance in the Chinese postal administration, and that no less than 70 British subjects and 20 Frenchmen are in that service, while only two Japanese experts are employed in it.'"

Each delegation having been polled and having assented, the chairman declared the resolution, with the date January 1, 1923, inserted, to have been unanimously adopted.

Mr. Viviani's resolution with respect to radio communications was then read:

DRAFT OF A MOTION RELATING TO THE ORGANIZATION OF RADIO COMMUNICATIONS IN CHINA.

December 7, 1921.

"Whereas competition in the establishment and operation of wireless stations in China, far from bringing about the creation of the necessary radio communications between China and the other countries, has on the contrary produced results the reverse of those aimed at, the powers represented at the Washington conference consider that this competition should give way to cooperation under the control of the Government of China.

"Therefore, it is decided that a committee shall be formed, including representatives of the interested countries and of China, to draw up practical recommendations in accordance with which this cooperation shall be accomplished in conformity with the following principles:

"(1) The purpose of the cooperation should not be to favor certain interests at the expense of others but to enable China to obtain radio communications established and operated as much in its own interests as in that of the public of all countries and to avoid the waste of capital, of staff, of material, and of wave lengths.

"(2) To this end China should be enabled to possess, as soon as possible, radio stations with all the latest technical improvements that can be contributed by the various companies of the countries which are concerned in the improvement of radio communications with China.

"(3) Radio communications within the Chinese territory shall be subject to the Chinese laws and the external radio communications (between China and other countries) shall be regulated by the international conventions governing such matters.

"(4) The Governments of the powers mentioned in the preamble shall give no support to any company or any person who does not conform to the above principles as well as to the practical rules prescribed in accordance with the recommendations of the committee.

" SUPPLEMENTARY SUGGESTION.

"(5) The rates charged for radio communications shall never be higher than the rates for communications by wire or by cable for equivalent distances, and Government and press messages shall benefit by a reduction of at least 50 per cent."

Senator Pearce said that Mr. Viviani's resolutions had only just been circulated and it was somewhat difficult to realize their full purport. He drew attention in particular to paragraph 2, which he proceeded to read, as follows:

"To this end China should be enabled to possess, as soon as possible, radio stations with all the latest technical improvements that can be contributed by the various companies of the countries which are concerned in the improvement of radio communications with China."

On this subject Senator Pearce observed that he understood that certain wireless telegraph companies were already interested, and that there were other companies which might be. It appeared pos-

sible to read the clause as confining the future development of wireless telegraphy in China to the companies already interested. Senator Pearce then read paragraph 4, as follows:

"The Governments of the powers mentioned in the preamble shall give no support to any company or to any person who does not conform to the above principles as well as to the practical rules prescribed in accordance with the recommendations of the committee."

He would like to know whether the intention was that the committee should confine itself to arranging cooperation between the existing companies, or if it was to be taken as shutting out other companies which, with the assent of the Chinese Government, might quite probably be employed. He wanted to know whether the resolution recognized a monopoly for existing companies or not.

Mr. Viviani said that when courteously invited by the chairman to submit a proposal for a resolution on the subject under discussion, he did so on December 7. He had previously called attention to the necessity of some general agreement to substitute order for anarchy. Unless this were promptly done, much money would be wasted. He said that he believed it has been the intention of the American Government as expressed at Versailles to take the initiative in this matter. This was his understanding when the chairman had asked him to prepare the resolution which he had drafted and deposited on December 7. Mr. Viviani said that it appeared to him obvious that before a detailed consideration of the matter could be undertaken it would be better to assert general principles and then to refer it to the committee on drafting. He also desired to say that he was not surprised at the criticisms made by Senator Pearce. No monopoly, however, was intended. With respect to paragraph (4) he desired to explain his reasons for incorporating it. He wished to save China from being invaded by a swarm of little competing companies. He thought the alternative lay in strengthening the present companies and enabling them to offer efficacious service. He wished to reassure Senator Pearce on this point. In paragraph (2) he wished to refer to all good companies who might desire to enter the field. Paragraph (4) referred more especially to large companies.

During this conference, Mr. Viviani continued, the question of limitation of armament had been considered; unless the limitation of wave lengths was also considered within a short time, radio communication in the world would come to a standstill. He considered that some expression of opinion regarding this point should be made and proclaimed by the conference.

Senator Schanzer said he was not fully prepared to discuss the question, but Mr. Viviani's clear and definite proposals had relieved him from taking further action. He had believed, previously to Mr. Viviani's statements, that paragraph (2) might exclude companies and countries not now exercising rights with respect to radio installations in China. This ambiguity was especially evident in the English text. Now Mr. Viviani's clear-cut explanations had dissipated any impression of this kind. This matter might perhaps be made clearer by omitting the last part of the paragraph referred to beginning with the words "that can be contributed" and finishing with the words "with China." If this suggestion were adopted, he



would like to associate himself with Mr. Viviani's proposal to vote immediately with respect to the question.

Mr. Viviani declared he was ready to accept Senator Schanzer's proposal.

Mr. Balfour thought it perfectly proper that the present conference should attempt to introduce order into chaos in regard to wireless telegraphy in China. He had before him a memorandum on the subject of concessions for wireless telegraphy made by China at different times and to different companies. Many of these were inconsistent one with another, and the waste and inefficiency was evidently considerable. Speaking for himself, and he thought for his Government, he would like to see all future concessions made on what he might call the "consortium principle," by means of which coordination would be effected, Chinese sovereignty would not be infringed, and confusion would be avoided. But neither Mr. Viviani in his memorandum, nor Senator Schanzer in his reference to it, had referred to existing interests. They were considerable and were owned by Great Britain, Denmark, the United States of America and Japan. It was clear that nothing could be done by this conference to impair the legitimate rights of existing companies, as they would be interpreted by an impartial arbitrator. The committee ought not to pass any resolution ignoring concessions which had been properly given and on which large sums of money had been spent. As regards the method by which this question should be dealt with, he felt that the substance of the resolution went beyond the scope of the drafting committee, though he always welcomed any proposal to give a wide interpretation to its function. But the subject of this particular resolution could hardly be examined by the drafting committee, and the attempt would be to cast on it a burden which the committee itself would be the first to reject. He thought that Mr. Viviani's memorandum might be taken as a starting point and a draft might be prepared providing for the maintenance of China's sovereign rights, and the coordination of the existing wireless telegraph system, stating that new developments would be arranged on the consortium principle, and that when the general telegraphic rights of China crossed existing rights, on which money had been spent, some method should be found on which the rights in the matter could be assured. That is to say, he proposed to ask the drafting committee not to take a decision but to prepare a draft. He did not think that Mr. Viviani's resolutions could be accepted without discussion and amendment, and this could be better carried out in the drafting committee than in the full conference.

Jonkheer van Karnebeek said he wished in brief words to explain his viewpoint. Only that morning he had been enabled to read the proposal and felt it was not feasible as yet to express a definite opinion respecting the draft. Mr. Viviani desired the adoption of the motion in principle. But it is not entirely clear what was meant by that. Did it mean that the committee were to vote upon the resolution as it lay before them—i. e., in principle—leaving its actual terms to the drafting committee or that they should adopt only its basic principle which he took to be the replacement of competition by cooperation. If the latter alternative was in the mind of Mr. Viviani, the Netherlands delegation would be ready to support

his suggestion. However, in the other alternative it would be difficult to take a definite decision at the present moment. The draft raised several points of importance. There was, for instance, the question as to which might be the interested powers. As far as Jonkheer van Karnebeek knew, there was no Dutch company engaged in radio communication in China; yet his country was interested, even very much interested, in the present question. If the commission were to confine itself to the fundamental idea, an expression of its policy, that would be a good beginning.

Mr. Hanihara said he would not undertake to formulate the opinion of his delegation, but he felt, personally, that Japan had no small interest in the matter. He desired, before expressing definite views, to have an opportunity of consulting experts in the matter.

Mr. Sze said that with his colleagues he had listened with deep interest to the foregoing discussion. He profoundly appreciated the remarks made by his colleague, Mr. Hanihara, for he, also, had only had the opportunity of seeing the memorandum discussed that morning. He therefore joined with Mr. Hanihara in requesting that consideration of the matters brought up by Mr. Viviani should be postponed to a later date, as he also wished to consult experts in the matter.

Mr. Sze said he now took the opportunity of expressing to the committee the thanks of the Chinese delegation with respect to the withdrawal of foreign post offices from China. He hoped that the gentlemen present would be equally able to meet the views of the Chinese delegation with respect to other questions. In this connection, he further desired to reassure the committee concerning the services rendered by the Chinese post office. Mr. Sze then read the following statement:

"Since the establishment of her national postal service, China has at all times handled with efficiency all foreign mail. She appreciates that, with the withdrawal of foreign post offices from her soil, the amount of foreign mail to be handled by her own postal system will be increased. This increase she undertakes to handle with the same efficiency by making such additions to the personnel and equipment of her postal service as will be required. As soon as the Siberian route is reopened for the transportation of foreign mail matter between Asia and Europe, steps will be taken to make arrangements for the transportation of such mail matter as was formerly transported by this route. As regards actual railway transportation of such mail, China will hold herself responsible for uninterrupted service upon those railways or sections of railways within her jurisdiction which are under her own control and operation."

Viscount d'Alte said he wished to add a few words to the discussion. He joined with his colleague of the Netherlands delegation in the views he had expressed respecting "interested" countries. His own delegation was interested, because it represented a country that held some of the most important positions in respect to radiotelegraphy—Lisbon, the Azores, Madeira, and Cape de Verde Islands. He feared that the resolution proposed was restrictive in its nature: it might even, perhaps, be considered as in opposition to the principle of the

open door. He felt, therefore, that no position should be taken without careful examination. It would perhaps be better to leave aside the question of wireless in China in order to give the matter a more world-wide solution and to convene a general conference to regulate this matter along more universal lines.

The chairman said that two of the Governments represented had already asked for a postponement and remarks by the representatives of other Governments indicated that there should be further discussion of the matters involved. In other words, it appeared desirable that the committee should hear from the Governments directly interested and should later discuss the matter before referring the question to the committee on drafting.

The chairman said he would now gather up the leading points: First, it appeared evident that the term "interested countries" should be omitted or the paragraph containing it altered to embrace all the countries represented at the conference. The question was whether to draw up definite instructions for the committee on drafting in the present committee or to lay down only broad principles for their guidance. In deciding this question the opinion of experts was desirable. He felt that at the most only suggestions could be made. As he understood the present situation, Mr. Viviani seemed in accord with his colleagues regarding paragraph (2). Mr. Balfour's suggestion in regard to existing rights was also obviously correct. There should be no destruction of rights without consent. It was not the function of the conference to destroy existing organizations. All the countries concerned, he believed, wished to respect legitimate interests. The only question which could be raised concerned modifications of these rights. He believed the whole matter should be considered at a later meeting, which might decide what questions could be discussed by the committee here and what matters should be referred to the committee on drafting.

Senator Underwood said he did not wish to take up the valuable time of the conference, but that there was another matter of grave importance to be considered. Civilization, he believed, had reached a point when all of the nations tried without priority of claim to live on equal terms. One of the points touched upon was the question of enabling China to possess her own radio stations as soon as possible. Undoubtedly the world should cooperate to this end, but if the subject of controlling wave lengths and prescribing terms for the use of wave lengths were to be considered by the present conference, the nations represented might find themselves assuming the responsibility of parceling out rights that might thus become fixed for the future. Senator Underwood said he would regret seeing any special privileges thus established. The future in this respect was impossible to foresee. He believed that it was not in keeping with the high ideals held by the conference that even negative special privileges should be allotted to any Government, corporation, or people. The question had certain analogies to the freedom of the high seas.

Senator Underwood recalled to the committee that he would not sit upon the committee drafting these proposals. He therefore ventured to hope that the committee would consider the following fact: That in fixing wave lengths in China they might be setting precedents for the entire world. He hoped that the conventions arrived

at would be merely actuated by convenience. He felt that they had no right to go further.

Baron de Cartier said he had been impressed by the arguments advanced by the Viscount d'Alte and Senator Underwood. He said he would hesitate to associate himself with any formula contrary to the principles of the open door.

Mr. Root said he recognized fully the force of Senator Underwood's suggestions concerning the risk assumed under any action resembling a distribution of rights as opposed to measures of convenience. He also recognized the practical sense of Mr. Balfour's remarks concerning existing rights. At the same time before the meeting adjourned he wished to associate himself with certain views advanced by Mr. Viviani in his memoir. The four principles advanced in the latter Mr. Root considered were valuable in substance and admirable in adaptation. It was the duty of the committee, Mr. Root felt, to study them. He hoped that the results would be that they would not be modified except in form and that the substance of these four points would guide the future situation of radio communication in China.

Mr. Viviani said he did not wish to prolong the discussion but he nevertheless thought it was possible to bring the matter to vote. He was proud to think that he possessed Mr. Root's approval and believed that he shared the same ideas as Mr. Balfour. On the other hand, he raised no opposition to referring the matter to the committee on drafts. Above all things, he did not wish to be understood as approving any encroachment on vested or existing rights or on the principle of the "Open Door." He also wished to satisfy Senator Underwood's views with respect to questions arising from any attempt to limit wave lengths. He must, however, report the views expressed to him by experts who were alarmed by the present state of anarchy and competition. All that he desired was a reasonable settlement.

The chairman stated that Mr. Viviana had clearly set the limit of his own resolution. It appeared to the chairman that a difficulty arose in referring this matter to the committee on drafting. Would it not be better, he asked, to hear the point of view of the two Governments, Japan and China, who were still unready to proceed with the discussion? On this point he asked the sense of the committee.

Mr. Root said that it would facilitate the work of the committee on drafting if, before the matter was referred to them, they might hear the observations of the Governments which had asked to consult their experts. The Chair asked whether it was agreeable to the committee to postpone the question.

Mr. Sze said that they would have meetings all the afternoon, which would give them very little opportunity to consult experts. He suggested that the discussion be deferred for two days (i. e., until Wednesday.)

The chairman stated that in view of Mr. Viviani's regretted departure, no meeting would be held on the morrow. His final suggestion was that the matter be allowed to rest until China and Japan were ready to proceed. This was unanimously agreed to.

The chairman then stated that the committee ought now to proceed with the next subject.

Dr. Wang stated that he desired to bring forward the matter of spheres of influence. He read the following statement:

"The phrase 'sphere of interest,' or 'sphere of influence' as it is sometimes called, is a more or less vague term which implies that the powers making such claims in China are entitled within their respective 'spheres' to enjoy reserved, preferential, exclusive, or special rights and privileges of trade, investment and for other purposes.

"Germany was the first to claim a sphere of influence or of interest in its crystallized form over the Province of Shantung; later the other powers made similar claims over other portions of the territory of China.

"These claims are either based on agreements between the powers themselves to which China is not a party, such as the agreement of September 2, 1898, relative to railway construction concluded between British and German banking groups and sanctioned by their respective Governments, or based on treaties or agreements made with China under circumstances precluding the free exercise of her will, such as the convention with Germany for a lease of Kiaochow of March 6, 1898, and the treaties and notes of May 25, 1915, made with Japan in consequence of the latter's 21 demands on China.

"A tentative list of the various treaties relating to this matter and to the so-called spheres of interest of the various powers has already been circulated for your information. I need not, therefore, enter into a detailed examination of them at present.

"That China should have been thus divided into different spheres of interest is a most unfortunate state of affairs. In the first place, these spheres of interest seriously hamper the economic development of China. The powers claiming these spheres seem to take the view that certain portions of China's territory are reserved for their exclusive exploitation without regard to the economic needs of the Chinese people. There have been instances where a nation is unwilling or unable to finance a particular enterprise and yet refuses to allow it to be financed or carried out by other nations.

"In the second place, the whole system is contrary to the policy of equal opportunity for the commerce and industry of all nations—a policy which, so far as the common interests of the powers are concerned, is fair and equitable and which has been adopted by this committee.

"A further objection to the spheres of interest is that there has been a tendency, under cover of economic claims, to further political ends, thus threatening the political integrity of China and giving rise to international jealousy or friction.

"It is gratifying to know that the United States and Great Britain have placed themselves strongly upon record as opposed to the continuance of spheres of interest in China. At the last meeting Mr. Balfour was good enough to say that a sphere of interest in China is a thing of the past.

"The claims by the powers to spheres of interest have given rise to much misunderstandings and misgivings on the part of the Chinese people, and in view of the considerations which I have just advanced, the Chinese delegation asks that the powers represented in this Conference disavow all claims to a sphere or spheres of in-

terest or of influence or any special interests within the territory of China."

The chairman said that, in brief, it was his understanding that the Chinese delegation proposed to abolish spheres of influence. This was in line with Mr. Balfour's suggestion to substitute a policy of cooperation.

Baron de Cartier then asked to make certain remarks touching Belgian interests. He said it was necessary to define their railway policy in China, notably with respect to the Hankow-Peking Railway. In that enterprise Belgian and French capital were associated in a purely economic interest. The participation of the Russo-Chinese Bank in no way changed this. As a proof of the above he pointed out that the Belgian negotiators had so far ignored political factors that they had permitted a clause to be inserted in their agreement with the Chinese Government allowing the latter to remove all foreign inspectors as soon as the loans had been reimbursed. The Chinese Government had availed itself of this clause in 1908. The principle followed by Belgian capitalists in China had always kept commercial interests in view and was devoid of all territorial aims. This policy had so far been completely successful. Baron de Cartier also said he felt that it was due to the Chinese Government to state in this connection that their attitude had always tended to forward these happy results. Baron de Cartier then read the following paragraph from the data regarding spheres of influence which had been circulated at the request of Dr. Wang:

"The Peking-Hankow Railway was first projected by Belgian financial interests, but, as was well known, was really supported by France and Russia."

Mr. Sze, in reply to Baron de Cartier, said that he had been the first managing director of the Peking-Hankow Railroad and had since followed the matter with interest. He wished not only to testify to the correctness of Baron de Cartier's statements, but also desired to have recorded in the minutes the appreciation of the Chinese Government.

Mr. Root said that the representative of China now asked to be relieved of the restrictions which affect the spheres of influence. He apprehended that little progress would be made unless rhetorical expressions were avoided. Spheres of influence presented questions in which he was not an expert, they appeared, however, to rest upon certain negative stipulations on the part of China. They were not a question of vested or affirmative rights, but grants of right arising from treaties entered into by the Chinese Government. If his own view was the correct one, China asked to be released from the effect of these restrictions and stipulations which were collateral to certain grants. Thus practical progress depended upon exact specification. He therefore asked the Chinese delegation for specifications of the restrictions from which they wished to be released. It would then be possible for the committee to consider the matter.

Dr. Wang stated that the Chinese delegation would be prepared to furnish a list of the stipulations from which they wished to be released at the next meeting.

Mr. Root asked that these be accompanied by page references to MacMurray's treaties.

Dr. Wang assented to this proposal.

The Chair asked whether the committee desired to postpone further discussion until the next meeting.

Mr. Balfour asked when the specifications referred to would be furnished his delegation.

Dr. Wang stated that this would be done the next day if possible.

The chairman stated that he was glad before the meeting adjourned to have the opportunity of announcing an important matter. This was not directly connected with the proceedings of the conference, but concerned the relations of the United States with Japan. He said that the subject of the status of Yap and the mandated islands north of the Equator was now settled and that an announcement would doubtless be made in the course of the day with respect to the terms of this agreement.

The chairman then stated, after consulting the committee, that the next meeting would be held on Wednesday, following, at 11 a. m.

The chairman then remarked that it was with the greatest regret that he must now speak of the subject of Mr. Viviani's departure. He wished at the same time to express a final appreciation of his collaboration and voice the sorrow that he himself and all his colleagues must feel at their loss. This was greeted with great approval by all the delegates present.

Mr. Viviani replied that he had been much touched by the words of the chairman; that the date of his departure had been fixed before he left France; he had been absent five months out of nine on duties that took him first from France to the United States and later from Geneva to Washington, and it was absolutely necessary for him now to return owing to important business he had been obliged to neglect. He added that his regret at leaving was tempered by the fact that his mandate would be left in the good hands of Mr. Sarraut.

The committee then adjourned to meet on the following Wednesday next, December 14, 1921, at 11 o'clock.

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**SIXTEENTH MEETING—WEDNESDAY, DECEMBER 14, 1921,  
AT 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Le Tellier, Mr. Jadot, Mr. Cattier.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir John Jordan, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Mr. M. T. Z. Tyau, Mr. Zee, Mr. C. T. Hoo.

*France.*—Mr. Sarraut. Accompanied by Mr. Kammerer, Mr. Denaint, Mr. Duchène.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Fileti, Mr. Giannini.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Everwijn. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, accompanied by Mr. Pierrepont and Mr. Wilson. Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The Committee on Pacific and Far Eastern Questions held its sixteenth meeting in the Columbus Room of the Pan American Union Building, on December 14, 1921, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Sarraut; for Italy, Senator Schanzer, Senator Ricci, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Jonkheer Everwijn; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

2. The secretaries and technical advisers present included the following: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. Le Tellier, Mr. Jadot, Mr. Cattier; for the British Empire, Sir Maurice Hankey, Mr. Lampson, Sir John Jordan; for China, Mr. M. T. Z. Tyau, Mr. Zee, Mr. C. T. Hoo; for France, Mr. Kammerer, Mr. Denaint, Mr. Duchène; for Italy, Marquis Visconti-Venosta, Mr. Fileti, Mr. Giannini; for Japan, Mr. Saburi, Mr. Kimura, Mr. Saito; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino. The secretary general of the conference, assisted by Mr. Pierrepont and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman (Mr. Hughes) expressed his regret that Dr. Moresco, of the Netherlands delegation, had been compelled to return to his country, and extended a cordial welcome to Dr. Everwijn, minister to the United States, who was taking his place.

5. The chairman suggested that only a brief session be held, because the questions before the Committee on Naval Armaments should have first consideration. He stated it as his belief that these matters were on the eve of conclusion and that therefore any delay was undesirable. He added that the Shantung conversations and interviews with experts were taking a great deal of time, and that it seemed to him advisable that there should be no interruption of this work. He therefore suggested that the committee proceed to a brief session, after which, if agreeable to all, adjournment would be taken, the next meeting to be held at the call of the Chair. There was no objection to this suggestion. He then asked the Chinese delegation if they wished to discuss the question of spheres of influence and if they were ready to present the specifications requested at the last meeting.

6. Dr. Chung Hui Wang announced that in compliance with the request of the Committee on Pacific and Far Eastern Questions



to furnish a list of restrictive stipulations from which China desires to be relieved, the Chinese delegation had circulated yesterday a tentative list for the information of the committee.

The list circulated by the Chinese delegation was as follows:

"Sino-Japanese treaties and exchange of notes of May 25, 1915 (MacMurray, 1216).

"INTER-POWER AGREEMENTS WITH REFERENCE TO CHINA.

- "1. Franco-Japanese agreement, June 10, 1907 (MacMurray, 640).
- "2. Anglo-Japanese treaty, July 13, 1911 (MacMurray, 900).
- "3. Russo-Japanese convention of July 30, 1907 (MacMurray, 657).
- "4. Russo-Japanese secret convention of July 30, 1907 (text not available).
- "5. Russo-Japanese convention of July 4, 1910 (MacMurray, 803).
- "6. Russo-Japanese secret convention of July 4, 1910 (text not available).
- "7. Russo-Japanese secret convention of July 8, 1912 (text not available).
- "8. Russo-Japanese convention of July 3, 1916 (MacMurray, 1327).
- "9. Russo-Japanese secret treaty of alliance of July 3, 1916 (MacMurray, 1328).
- "10. American-Japanese exchange of notes of November 30, 1908 (Root-Takahira agreement) (MacMurray, 769).
- "11. American-Japanese exchange of notes of November 2, 1917 (Lansing-Ishii agreement) (MacMurray, 1394).
- "12. Anglo-French agreement of January 15, 1896, Article IV (MacMurray, 54).
- "13. Anglo-Russian agreement, April 28, 1899 (MacMurray, 204).
- "14. Anglo-German agreement, September 2, 1898 (MacMurray, 268).

"COMMITMENTS AND AGREEMENTS WHICH APPEAR OR HAVE BEEN ALLEGED TO CREATE OR RECOGNIZE THE EXISTENCE OF SPHERES OF INTERESTS."

Note.—Other existing commitments or agreements granting preferential or monopolistic rights to particular powers or to their nationals will be brought forward in connection with the open door.

"NONALIENATION AGREEMENTS.

- "1. Hainan (MacMurray, 98).
  - "2. Yangtse Valley (MacMurray, 104).
  - "3. Tong King Border (MacMurray, 123).
  - "4. Fukien (MacMurray, 126).
  - "5. Coast of China (MacMurray, 1215)."
  7. Dr. Wang then observed that the first item in the list was "The Sino-Japanese treaties and exchange of notes of May 25, 1915."
- The history of these treaties and exchange of notes could be briefly stated thus:

On January 18, 1915, China received without provocation a list of 21 demands from the Japanese Government, which were arranged in five groups. The Chinese Government and people were all opposed to them as being derogatory to China's sovereignty and independence.

On May 7, China was served with an ultimatum which was to expire at 6 p. m. on May 9, and which concluded with the following words:

"It is hereby declared that if no satisfactory reply is received before or at the specified time, the Imperial (Japanese) Government will take steps they may deem necessary."

Under such overwhelming pressure and with a view to preserving the peace of the Far East at a time when the powers were embroiled in the World War, China accepted reluctantly these demands with the exception of what is known as Group V, which was "postponed for future negotiation," hoping that a day would come when China could have the opportunity to bring them up for reconsideration and cancellation.

The treaties and exchange of notes made on May 25, 1915, in consequence of the aforementioned demands could be summarized as follows:

#### (A) TREATY RESPECTING SHANTUNG.

1. Chinese Government to give full assent to all matters upon which Japanese Government may hereafter agree with German Government regarding disposition of German rights and interests in Shantung.

2. China to approach Japanese capitalists for a loan if she decides to construct the railway from Chefoo or Lungkow to connect with Kiaochow-Tsinan Railway, provided Germany abandons the privilege of financing the Chefoo-Weihsien line.

3. China to open by herself certain suitable places in Shantung for foreign residence and trade.

4. The present treaty to come into force on day of signature.

#### EXCHANGE OF NOTES.

1. Within the Province of Shantung or along its coast China will lease or cede no territory or island to any foreign power.

2. The places to be opened by China as commercial ports will be selected, and the regulations therefor drawn up, after consultation with Japanese minister.

3. When, after the termination of the war, the territory of Kiaochow Bay is completely left to Japan's free disposal, Japan will restore said leased territory to China under the following conditions—

(a) The whole of Kiaochow Bay to be opened as commercial port.

(b) A concession under exclusive jurisdiction of Japan to be established at a place designated by Japanese Government.

(c) As regards the disposal to be made of buildings and properties of Germany, and procedure relating thereto, Japan and China shall mutually arrange before the restoration.

(B) TREATY RESPECTING SOUTH MANCHURIA AND EASTERN INNER  
MONGOLIA.

1. Term of lease of Port Arthur and Dalny and terms of South Manchurian Railway and Antung-Mukden Railway to be extended to 99 years.

2. Japanese subjects in South Manchuria to lease land, by negotiation, necessary for erecting suitable buildings for trade and manufacture or for prosecuting agricultural enterprises.

3. Japanese subjects free to reside and travel in South Manchuria and to engage in business and manufacture of any kind whatsoever.

4. Should Japanese and Chinese desire jointly to undertake agricultural enterprises and industries incidental thereto, Chinese Government to give its permission.

5. Japanese subjects referred to in preceding three articles, besides being required to register with local authorities passports, which they must procure under existing regulations, also to submit to China's police laws and ordinances and taxation.

Civil and criminal cases, in which the defendants are Japanese, to be tried by Japanese consul; those in which defendants are Chinese by Chinese authorities. An officer in either case to be deputed to attend proceedings. But mixed civil cases between Chinese and Japanese relating to land to be tried by delegates of both nations conjointly in accordance with Chinese law and local usage completely.

When, in future, the judicial system in said region is reformed, all civil and criminal cases concerning Japanese subjects shall be tried entirely by Chinese law courts.

6. China to open by herself certain suitable places in Eastern Inner Mongolia for foreign residence and trade.

7. China to make speedily a fundamental revision of Kirin-Changchun Railway loan agreement, taking as standard the provisions in railway agreements heretofore made between China and foreign financiers.

When, in future, more advantageous terms than those now existing are granted to foreign financiers in connection with railway loans, the above agreement to be again revised according to Japan's wishes.

8. All existing treaties between China and Japan relating to Manchuria, except otherwise provided for by this treaty, to remain in force.

9. The present treaty to come into force on day of signature.

EXCHANGE OF NOTES.

1. The term of lease of Port Arthur and Dalny to expire in 1997. The date for restoration of South Manchurian Railway to China to fall due in 2002. Article 21 in original South Manchurian Railway agreement providing for redemption by China after 36 years from date of opening to traffic hereby canceled. Term of Antung-Mukden Railway to expire in 2007.

2. The places to be opened by China as commercial ports will be selected, and the regulations therefor drawn up, after consultation with Japanese minister.

3. Japanese subjects, as soon as possible, to investigate and select mines in 10 specified mining areas in South Manchuria, except those being prospected for or worked, and Chinese Government to permit them to prospect or work the same; before the mining regulations are definitely settled, the practice at present in force to be followed.

4. China to provide funds for building necessary railways in South Manchuria and Eastern Inner Mongolia. If foreign capital is required, China to negotiate for a loan with Japanese capitalists first.

Further, Chinese Government, when making a loan in future on security of taxes in above-mentioned places (excluding salt and customs revenue already pledged by China), to negotiate with Japanese capitalists first.

5. Hereafter if foreign advisers or instructors on political, financial, military, or police matters are to be employed in South Manchuria, Japanese to be employed first.

6. "Lease by negotiation" (art. 2) understood to imply a long term lease of not more than 30 years and also possibility of unconditional renewal.

7. Chinese authorities to notify Japanese consul of the police laws and ordinances and taxation to which Japanese subjects shall submit, so as to come to an understanding with him before enforcement.

8. Operation of articles 2, 3, 4, and 5 to be postponed for a period of three months from date of signature of treaty.

9. If, in future, Hanyehping Company and Japanese capitalists agree upon cooperation, Chinese Government to give forthwith its permission.

Chinese Government not to confiscate said company; nor, without consent of Japanese capitalists, to convert in into State enterprise; nor cause it to borrow and use foreign capital other than Japanese.

10. Chinese Government has given no permission to foreign nations to construct, on the coast of Fukien Province, dock yards, coal-ing stations for military use, naval bases, or to set up other military establishments; nor does it intend to borrow foreign capital for purpose of setting up above-mentioned establishments.

Dr. Wang explained that this list was a summary of the treaties and exchanges of notes of May 25, 1915, and pointed out that they vitally affected the very existence, independence, and integrity of China. He declared that, in the common interests of the powers as well as of China, and in conformity with the principles relating to China already adopted by the committee, the Chinese delegation urged that the said treaties and exchange of notes be reconsidered and canceled.

8. Mr. Hanihara said that unfortunately he had not been able to follow precisely Dr. Wang's observations with regard to the so-called "twenty-one demands" and desired to reserve his reply until he could examine the statement carefully. If, however, there was a question of making the validity of the treaty or agreements of 1915 or the change or abrogation thereof the subject of discussion at this conference, he desired to announce that the Japanese delegation could not agree to such a course. He believed this question was one to be taken up between Japan and China, if it were to be taken up at all, and not at this conference. He wished to make this point clear.

9. The chairman stated that in view of the fact that the statement made by Dr. Wang had only just been distributed, he assumed that there would be some reluctance to enter into a discussion thereof at this time, without time for study. While there was still the opportunity for such discussion, if desired, he thought the committee might now adjourn. He asked the pleasure of the committee, whether to have a discussion at this time or to adjourn to permit the important work of subcommittees to continue.

10. Dr. Wang remarked that he thought it only fair to the Japanese delegation that time should be given for examination of the statement.

11. It was agreed that a statement showing the nature of the subject under discussion and the reasons for holding such a brief session should be issued to the press.

12. The meeting then adjourned, subject to the call of the Chair.

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**SEVENTEENTH MEETING—THURSDAY, JANUARY 5, 1922, 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray, Mr. Williams.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. Jadot, Mr. le Tellier.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand). Accompanied by Sir Maurice Hankey, Sir John Jordan, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Christie.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. Yen, Mr. King, Mr. Zee, Dr. M. T. Z. Tyau.

*France.*—Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Garnier, Mr. Ponsot, Mr. Fournier-Sarloveze.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, accompanied by Mr. Pierrepont and Mr. Paul.

Interpreter, Mr. Camerlynck.

1. The seventeenth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Union Building, on Thursday morning, January 5, 1922, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes; Sir Robert Borden (for Canada); Senator Pearce (for Aus-

tralia); Sir John Salmond (for New Zealand); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray, Mr. Williams; for Belgium, Mr. de Warzee, Mr. Jadot, Mr. le Tellier; for the British Empire, Sir Maurice Hankey, Sir John Jordan, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Christie; for China, Mr. Yen, Mr. King, Mr. Zee, Dr. M. T. Z. Tyau; for France, Mr. Kammerer, Mr. Garnier, Mr. Ponsot, Mr. Fournier-Sarloveze; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Saito; for The Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general of the conference, assisted by Mr. Pierrepont and Mr. Paul, was present. Mr. Camerlynck (interpreter) was also present.

The chairman (Mr. Hughes) said that all those present greatly regretted that Jonkheer van Karnebeek had been compelled to leave them by reason of his public engagements at home, and they extended a cordial greeting to Jonkheer de Beaufort, who was now meeting with them. This committee had been called to hear the report of the subcommittee on Chinese customs duties. This report would be presented by Senator Underwood.

4. Senator Underwood said that he desired to present the report of the subcommittee on the Chinese customs tariff, but in advance of reading the report he wished to make a short statement to the committee in explanation of what the subcommittee had done.

He desired to express his appreciation of the attitude of the delegates on the subcommittee with respect to the broad principles involved in a matter so serious as that which touched the financial resources of the Chinese Government. He felt that they had approached the subject in an admirable spirit of collaboration with a view to achievements of a constructive order which would not only meet the present exigencies and assist in stabilizing economic conditions in China, but would go much further by removing elements of friction in the general trade adjustment.

The importance of this agreement in reference to trade conditions in China, which to a large extent were controlled by the duties levied at the customhouse, went, Senator Underwood thought, much further than the mere question of the money involved. As he had stated some time ago, he thought one of the principal causes of irritation and difference between the nations of the world arose from their trade conditions, and when one nation felt that it was not standing on an equality with another nation it was likely to bring about conditions of unrest that might lead in the end to war; and the great purpose of this convention was to eliminate the causes of war. Therefore Senator Underwood thought that the members of the committee could congratulate themselves at this time that they had reached, in the report that he would present, an understanding to wipe out the discriminations on the border of China in reference to customs duties and that would make all the countries of the world feel that they

would hereafter have an open door that meant equal opportunity of trade.

The Chinese tariff, being a treaty tariff and depending upon the unanimous consent of the treaty powers, would have presented difficulties of agreement respecting revision or improvement in the system which would have been almost insurmountable had it not been for the generous and open-minded attitude of the powers with respect to the broader purposes of their deliberations.

The last revision of the tariff took place in 1918. The revision was for the purpose of bringing the rates up to a basis of 5 per cent effective. The basis of revision was, however, the average of the values of imports as they appeared upon invoices during the years 1912-1916. The rates fixed by this revision and which became effective in August, 1919, were to last for at least two years after the end of the war, at which time another revision might be made. Manifestly, valuations based on an average of values from 1912 to 1916 no longer represented the true value of importations, and as a result the revision of 1918, instead of producing revenue representing 5 per cent effective, actually produced only about 3½ per cent effective.

The agreement in its present form, Senator Underwood said, contained provisions relating to two distinct phases of tariff readjustment, namely, those which might become immediately applicable without taking treaty form requiring ratification and those which must be embraced in a treaty and which would require ratification. The first of these related to the immediate revision of the present tariff to a basis of 5 per cent effective and the second related to subjects to be dealt with in a special conference which would be charged with taking measures looking to the speedy abolition of likin and the application of surtaxes, together with the realization of the principle of uniformity in the rates of customs duties on all frontiers whether land or maritime.

The stages, therefore, of applying the terms of the agreement were as follows:

1. A committee of revision would meet forthwith at Shanghai to revise the present tariff to a basis of 5 per cent effective. This revision would become effective two months after publication without awaiting ratification. It would provide an additional revenue amounting to about \$17,000,000 silver.

Senator Underwood here said that he wished it to be understood that the figures he gave here were substantially accurate. He was sure that all the members of the committee realized the impossibility of getting absolutely accurate figures, but they were substantially correct.

2. Immediate steps would be taken for a special conference representing China and the powers charged with the duty of preparing the way for the speedy abolition of the likin and the bringing into effect of the surtaxes provided for in the treaties between China and Great Britain of 1902 and China and the United States and Japan of 1903. The special conference would likewise put into effect a surtax of 2½ per cent ad valorem, which would secure additional revenue amounting to approximately \$27,000,000 silver, and a special surtax on luxuries, not exceeding 5 per cent ad valorem, which would provide a still further revenue amounting to \$2,167,000 silver.

The additional revenue from customs duties provided in the present agreement would fall into four categories, as follows:

1. Increase to 5 per cent effective, \$17,000,000 silver.
2. Surtax of  $2\frac{1}{2}$  per cent, \$27,000,000 silver.
3. Surtax not exceeding 5 per cent on luxuries, \$2,167,000 silver.
4. Total additional revenue, \$46,167,000 silver.

With the completion of the work of the special conference carrying into effect the abolition of likin and the application of the surtaxes provided in the treaties with Great Britain, Japan, and the United States, the additional revenue provided should amount to \$156,000,000 silver. The present tariff produced revenue at the rate of \$64,000,000 silver for 1920. If to this were added the additional revenue provided for in the agreement, the total yield from customs duties would amount to \$110,167,000 silver. Aside from these measures, there were important provisions in the agreement relating to future revisions of the tariff with a view to maintaining it on a correct basis of valuation so that it might produce revenue at the effective rates to which China was entitled. Following the immediate revision there would be a second revision in four years and subsequent revisions every seven years.

Heretofore there had been some difficulty encountered in securing revisions regularly. The special conference was charged with the duty of providing means whereby future delays in revision might be avoided. Carrying into effect the general agreement already adopted by this conference, there was a provision in the present agreement for effective equality of treatment and of opportunity. This provision carried with it an important recognition of the principle of uniformity in the rates of customs duties levied on all frontiers, which meant the abolition of discriminatory practices in relation to goods imported by land.

Senator Underwood said he felt that for the first time measures had been taken which effectually removed the highly unjust and controversial preferences with which the foreign trade of China had heretofore been encumbered. Those nations which had enjoyed the advantages of preferential treatment across their land frontiers had acted with commendable foresight and altruism in surrendering those minor advantages in trade to the broader principles of equality of treatment and the general betterment of the conditions of friendly trade competition. This appeared to him to represent a signal achievement, not only in the interest of China and of each of the treaty powers, but also in the interest of trade in general and of peace itself.

Before reading the report, he said that he wished to say that it was a report that came before the full committee with the unanimous approval of the members of the subcommittee.

He then read the following report:

"The subcommittee on Chinese customs duties, having had under consideration the proposals of the Chinese delegates for the restoration of tariff autonomy and the readjustment of maritime customs duties with a view to providing additional revenue to meet the needs of the Chinese Government, reports that it has reached the following agreement:

"The powers attending this conference agree—



Dr. Wang assented to this proposal.

The Chair asked whether the committee desired to postpone further discussion until the next meeting.

Mr. Balfour asked when the specifications referred to would be furnished his delegation.

Dr. Wang stated that this would be done the next day if possible.

The chairman stated that he was glad before the meeting adjourned to have the opportunity of announcing an important matter. This was not directly connected with the proceedings of the conference, but concerned the relations of the United States with Japan. He said that the subject of the status of Yap and the mandated islands north of the Equator was now settled and that an announcement would doubtless be made in the course of the day with respect to the terms of this agreement.

The chairman then stated, after consulting the committee, that the next meeting would be held on Wednesday, following, at 11 a. m.

The chairman then remarked that it was with the greatest regret that he must now speak of the subject of Mr. Viviani's departure. He wished at the same time to express a final appreciation of his collaboration and voice the sorrow that he himself and all his colleagues must feel at their loss. This was greeted with great approval by all the delegates present.

Mr. Viviani replied that he had been much touched by the words of the chairman; that the date of his departure had been fixed before he left France; he had been absent five months out of nine on duties that took him first from France to the United States and later from Geneva to Washington, and it was absolutely necessary for him now to return owing to important business he had been obliged to neglect. He added that his regret at leaving was tempered by the fact that his mandate would be left in the good hands of Mr. Sarraut.

The committee then adjourned to meet on the following Wednesday next, December 14, 1921, at 11 o'clock.

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**SIXTEENTH MEETING—WEDNESDAY, DECEMBER 14, 1921,  
AT 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. Le Tellier, Mr. Jadot, Mr. Cattier.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir John Jordan, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Mr. M. T. Z. Tyau, Mr. Zee, Mr. C. T. Hoo.

*France.*—Mr. Sarraut. Accompanied by Mr. Kammerer, Mr. Denaint, Mr. Duchène.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Mr. Fileti, Mr. Giannini.

*Japan.*—Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*The Netherlands.*—Jonkheer van Karnebeek, Jonkheer Beelaerts van Blokland, Dr. Everwijn. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, accompanied by Mr. Pierrepont and Mr. Wilson. Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The Committee on Pacific and Far Eastern Questions held its sixteenth meeting in the Columbus Room of the Pan American Union Building, on December 14, 1921, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Sarraut; for Italy, Senator Schanzer, Senator Ricci, Senator Albertini; for Japan, Admiral Baron Kato, Prince Tokugawa, Mr. Hanihara; for the Netherlands, Jonkheer van Karnebeek, Jonkeer Beelaerts van Blokland, Jonkheer Everwijn; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

2. The secretaries and technical advisers present included the following: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. Le Tellier, Mr. Jadot, Mr. Cattier; for the British Empire, Sir Maurice Hankey, Mr. Lampson, Sir John Jordan; for China, Mr. M. T. Z. Tyau, Mr. Zee, Mr. C. T. Hoo; for France, Mr. Kammerer, Mr. Denaint, Mr. Duchène; for Italy, Marquis Visconti-Venosta, Mr. Fileti, Mr. Giannini; for Japan, Mr. Saburi, Mr. Kimura, Mr. Saito; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino. The secretary general of the conference, assisted by Mr. Pierrepont and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman (Mr. Hughes) expressed his regret that Dr. Moresco, of the Netherlands delegation, had been compelled to return to his country, and extended a cordial welcome to Dr. Everwijn, minister to the United States, who was taking his place.

5. The chairman suggested that only a brief session be held, because the questions before the Committee on Naval Armaments should have first consideration. He stated it as his belief that these matters were on the eve of conclusion and that therefore any delay was undesirable. He added that the Shantung conversations and interviews with experts were taking a great deal of time, and that it seemed to him advisable that there should be no interruption of this work. He therefore suggested that the committee proceed to a brief session, after which, if agreeable to all, adjournment would be taken, the next meeting to be held at the call of the Chair. There was no objection to this suggestion. He then asked the Chinese delegation if they wished to discuss the question of spheres of influence and if they were ready to present the specifications requested at the last meeting.

6. Dr. Chung Hui Wang announced that in compliance with the request of the Committee on Pacific and Far Eastern Questions

"I. That immediate steps be taken through a special conference representing China and the powers which accept this agreement to prepare the way for the speedy abolition of likin and the fulfillment of the other conditions laid down in Article VIII of the Anglo-Chinese commercial treaty of September 5, 1902, and the corresponding articles of the United States and Japanese treaties, with a view to levying the surtaxes as provided in those articles.

"II. That the present tariff on importation shall be forthwith revised and raised to a basis of 5 per cent effective.

"That this revision shall be carried out forthwith by a revision committee at Shanghai on the general lines of the last revision. The revision shall proceed as rapidly as possible with a view to its completion within four months from the conclusion of the present conference, and the revised tariff shall become effective two months after publication without awaiting ratification.

"III. That the interim provisions to be applied until the articles referred to in Paragraph I come into operation be considered by the aforesaid special conference which shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as they may determine. The surtax shall be at a uniform rate of 2½ per cent ad valorem except in the case of certain articles of luxury which in the opinion of the conference can bear a greater increase without unduly impeding trade, and upon which the total surtax shall not exceed 5 per cent.

"IV. (1) That there shall be a further revision of the tariff to take effect at the expiration of four years following the completion of the immediate revision herein authorized, in order to insure that the rates shall correspond to the ad valorem rates fixed.

"(2) That following this revision there shall be periodical revisions of the tariff every seven years for the same purpose.

"(3) That in order to prevent delay such periodical revisions shall be effected in accordance with rules to be settled by the special conference provided in Paragraph I.

"V. That in all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all nations parties to this agreement.

"VI. That the principle of uniformity in the rates of customs duties levied on all the frontiers, land and maritime, of China be recognized and that it be referred to the special conference mentioned in Paragraph I to make arrangements to give practical effect to this principle, with power to authorize any adjustments which may appear equitable in cases in which the customs privilege to be abolished was granted in return for some local economic favor.

"In the meantime any increase in the rates of customs duties or surtax imposed in pursuance of the present agreement shall be levied at a uniform rate ad valorem on all frontiers, land and maritime.

"VII. That the charge for transit passes shall be at the rate of 2½ per cent ad valorem except when the arrangements contemplated in Paragraph I are in force.

"VIII. That the treaty powers not here represented shall be invited to accept the present agreement.

"IX. That this agreement shall override all provisions of treaties between China and the powers which accept it which are inconsistent with its terms.

"The delegate for China submitted the following communication which it was unanimously agreed should form a part of the foregoing agreement as an appendix thereto:

**"DECLARATION OF INTENTION NOT TO DISTURB THE PRESENT ADMINISTRATION OF THE CHINESE MARITIME CUSTOMS.**

"The Chinese delegation has the honor to inform the Committee on the Far Eastern Questions of the Conference on the Limitation of Armament that the Chinese Government have no intention to effect any change which may disturb the present administration of the Chinese Maritime Customs."

"The subcommittee recommend that, as the foregoing agreement includes provisions relating to two different matters, namely, (1) the immediate revision of the present tariff in accordance with existing treaties and (2) other matters involving the modification of existing treaties, this report after consideration by the full committee be referred to the drafting committee with a view to putting the agreement into final form and separating the provisions which can go into force forthwith from those which are dependent on ratification by the powers."

That, Senator Underwood continued, completed the main report, but in addition to the main report affecting Chinese customs tariffs the subcommittee realized that one of the matters of great importance that came before them was not merely an adjustment of the border revenue as to the powers dealing with China, but that a matter of supreme importance was to secure to the Chinese Government sufficient revenues to maintain properly a stable and safe government; and at the same time the subcommittee realized that maintenance in China of large military forces was a serious drain on the finances of China and materially affected the question of raising revenues, and at the same time was in contravention of the great principles of this conference looking to the disarmament of nations and securing the peace of the world; and therefore, with the consent of the Chinese delegation, the other members of the committee had agreed to the resolution which he would now read:

"The Chinese delegate not voting, the following resolution was adopted January 3, 1922, to be annexed to the report of the subcommittee on Chinese revenue and tariff:

"The members of the subcommittee in studying the question of increasing the customs tariff rates to meet the urgent needs of the Chinese Government have been deeply impressed with the severe drain on China's public revenue through the maintenance of excessive military forces in various parts of the country. Most of these forces are controlled by the military chiefs of the provinces, and their continued maintenance appears to be mainly responsible for China's present unsettled political conditions. It is felt that large and prompt reduction of these forces will not only advance the cause of China's political unity and economic development but hasten her financial rehabilitation. Therefore, without any intention to interfere in the internal problems of China, but animated by the sincere desire to see China develop and maintain for herself an effective and stable government, alike in her own interest and in the general

interest of trade, and inspired by the spirit of this conference whose aim is to reduce through the limitation of armament 'the enormous disbursements' which 'manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity,' the subcommittee venture to suggest for the consideration of the committee the advisability of laying before the conference for its adoption a resolution expressing the earnest hope of the conference and embodying a friendly recommendation to China that immediate and effective steps be taken by the Chinese Government to reduce the aforesaid military forces and expenditure."

This, Senator Underwood concluded, completed the work of the committee, and he asked the adoption of the report and, after its adoption, its reference to the committee on drafting, to be put in treaty form.

The chairman asked whether it was the pleasure of the committee that the report of the subcommittee be received and placed upon the files of the committee. No objection being voiced, he said that the report would be received, and that it was before the committee for its consideration and action.

The chairman felt that it was a matter of the deepest gratification that the subcommittee had been able to reach a unanimous conclusion upon this important subject and to present recommendations the adoption of which apparently opened the way to the provisions of a more adequate revenue for China and thus aided in a very substantial manner in placing Chinese finances upon a better basis. He asked whether it was the pleasure of the committee to proceed with the discussion of the report. He also suggested that the committee first deal, if Senator Underwood had no objection, with the main recommendation before they took up the statements that were appended.

The recommendation, the chairman said, was in that part of the report which began as follows: "The powers attending this conference agree." There then followed nine articles which it was not necessary to read again.

The question before the committee was whether they would adopt a resolution in the terms of the report or that portion of it to which he had just referred. The chairman asked whether the committee was prepared to proceed to act upon the proposed resolution.

Mr. Koo said that he wished to rise chiefly to express his appreciation for what Senator Underwood had accomplished. Having sat on the subcommittee of which Senator Underwood had been the distinguished chairman, he wished to give expression to his admiration of the way in which the deliberations of that body had been guided. Thanks to Senator Underwood's skill and ability, important results had been accomplished which were now embodied in the resolution before the committee. On behalf of the Chinese Government, he was glad to indorse the agreement just reached. In giving this assent he wished to take this opportunity of making a statement regarding the reestablishment of tariff autonomy—a matter to which the Chinese people attached extreme importance.

"On November 23 last, I had the honor, on behalf of the Chinese delegation, to lay the tariff question of China before the committee. Three propositions were submitted. The principal one of them was for the restoration to China of her tariff autonomy; the other two

being intended merely as provisional measures to prepare the ground for the early consummation of the main object. At the same time I stated that it was not the intention of the Chinese Government to effect any change that might disturb the present administration of the Chinese maritime customs, though this statement obviously could not be reasonably construed to preclude China's legitimate aspirations gradually to make this important branch of the Chinese Government more national in character.

"I explained the reasons why China was desirous of recovering her freedom of action in respect to the matter of levying customs duties. The committee, after some discussion, referred the whole question to a subcommittee, of which Senator Underwood has been the distinguished chairman. The results of the discussions in the subcommittee are embodied in an agreement which has just been laid before you. It is a valuable agreement, embodying, as it does, a number of important points, connected with the effective application of the present régime of treaty tariff. But it will be noted that the question of the restoration of tariff autonomy to China is not included, it being the opinion of some members of the subcommittee that it would not be practicable to fix at present a definite period within which the existing treaty provisions on tariff were to be brought to an end, and that the question should be decided in the light of conditions that might arise in the future.

"The Chinese delegation, however, can not but wish that a different view had prevailed. Tariff autonomy is a sovereign right enjoyed by all independent states. Its free exercise is essential to the well-being of the state. The existing treaty provisions, by which the levy of customs duties, transit dues, and other imports is regulated, constitute not only a restriction on China's freedom of action, but an infringement on her sovereignty. Restoration to her of tariff autonomy would only be recognition of a right which is hers and which she relinquished against her will.

"The maintenance of the present tariff régime means, moreover, a continued loss of revenue to the Chinese Government. The customs import duty under this régime is limited to the very low rate of 5 per cent ad valorem for all classes of dutiable goods, compared with the average rate of 15 per cent to 60 per cent levied by other countries. In fact, because the duties are levied on the basis of a previously fixed schedule, the actual collections amount to only  $3\frac{1}{2}$  per cent effective. The customs revenue, therefore, constitutes only about  $7\frac{1}{2}$  per cent of China's total revenue, while the average for the principal countries in the West ranges from 12 per cent to 15 per cent at present, and still higher before the war. When the proposed surtax of  $2\frac{1}{2}$  per cent for ordinary articles and of 5 per cent on certain luxuries eventually goes into effect, more revenue will be produced, but even then it will hardly be commensurate with the rapidly growing needs of the Chinese Government. Much of the elasticity of the fiscal systems of other States depends upon their freedom to regulate their customs duties. To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government, it is necessary to restore tariff autonomy to her at an early date.

"The necessity to levy a uniform low duty has encouraged a disproportionate increase in the import of luxuries such as wine and

tobacco; and apart from the loss of revenue consequent upon giving these things the same rate as is levied on the necessities of life, the effect on the social and moral habits of the Chinese people has been altogether deleterious. A beginning has been made in the agreement before the committee in authorizing a levy of an additional surtax of  $2\frac{1}{2}$  per cent on certain articles of luxury, but it is apparent that a greater increase is needed if a restraining influence is to be exercised in the use of these articles of luxury.

"Nor is it to be overlooked that the present treaty tariff régime is an impediment to China's economic development. Under this régime China enjoys no reciprocity from any of the powers with which she stands in treaty relations. Though every treaty power enjoys the advantage of having its wares imported into China at the exceptionally low rate of 5 per cent ad valorem, the Chinese produce and merchandise, on entering into any of these countries, is subjected to the maximum rates leviable, which are in some cases 60 or 70 times the rate which she herself levies on foreign imports. The necessity of levying uniform duties on all articles imported into China, on the other hand, makes these duties on such articles as machinery and raw materials for Chinese industries a handicap to China's industrial development. At present there are more than 1,000 Chinese factories employing foreign machinery and methods and engaged in over 30 different kinds of important industries. To enable them to live and develop and thereby contribute to the growth of China's foreign trade in which all nations are deeply interested, some latitude is necessary in the regulation of the customs duties.

"Besides, regulation of China's tariff by treaty must inevitably, in the nature of things, work unjustly and to her great detriment. Thus, whenever China makes a proposal, be it for revision of the tariff to bring it more into harmony with the prevailing prices or for an increase of the customs duty to meet her increased needs, the unanimous consent of more than a dozen treaty powers is necessary. As each country naturally desires to protect and promote its own commercial interests in China, and as the industries of these treaty powers vary in character and export different kinds of merchandise, they all seek to avoid the burden of the new revision or increased rate falling upon the industries of their own countries. With this end in view, different conditions are not infrequently attached by different powers to their consent to revise the customs tariff or increase the rate.

"Thus, though this matter of custom tariff is intimately connected with the well-being of the Chinese State, the interests of the treaty powers appear to be placed at times before the legitimate interests of China. Under such circumstances the difficulty of effecting any adjustment or arrangement favorable to China can easily be conceived, and it has at times been well nigh insurmountable. On one occasion or another there is always some power who considers its own interest in the matter of Chinese customs tariff more important than the supreme interests of China. The experience of the Chinese delegation in the subcommittee on tariff, much as it has accomplished, has not altogether removed the ground for this opinion. But as unanimity is required, the dissent of one power is sufficient

to defeat and upset a general arrangement agreed to by all the others, while by virtue of the most favored nation clause, a concession or privilege granted by China to one nation for a specific consideration is at once claimed by all without regard to the *quid pro quo*.

"In view of the inherent difficulty and injustice of the present régime, and of the wholesome and desirable effect which restoration of tariff autonomy is sure to have upon the trade and economic development of China, as well as upon the evolution of her fiscal system, the Chinese delegation feel in duty bound to declare that though this committee does not see its way to consider China's claim for the restoration of her tariff autonomy, it is not their desire, in assenting to the agreement now before you, to relinquish their claim; on the contrary, it is their intention to bring the question up again for consideration on all appropriate occasions in the future."

Mr. Koo concluded by saying that in making this statement he had wished to define the position of the Chinese delegation with regard to a matter which was very close to the hearts of the Chinese people, and that he had not intended to detract in any way from the value of the statement just made by the chairman of the subcommittee on Chinese revenue.

The Chairman asked whether the committee desired to proceed further with the discussion, or was ready to vote upon the resolution. He said that the question was on the resolution setting forth the agreement of the powers attending the conference in the terms stated in the recommendation of the subcommittee, consisting of nine articles.

A vote being taken and the nine powers present giving their assent, the resolution was adopted.

The chairman said that in the report of the subcommittee appeared a communication which it was unanimously agreed by the subcommittee should form a part of the proposed agreement and should serve as an appendix to it. This was entitled "A Declaration of Intention not to Disturb the Present Administration of the Chinese Maritime Customs." The question was then upon the adoption of this portion of the report and the agreement that this declaration should form an appendix to the agreement of the powers present. He asked whether it was desired that this question should be discussed, or whether the committee was ready for action.

A vote being taken, and the nine powers present signifying their assent, the proposal was adopted.

The committee, the chairman continued, now came to the resolution embodied in the report presented by the subcommittee. It related to present conditions in China, and at the end of the resolution adopted by the subcommittee the following statement was found:

"The subcommittee venture to suggest for the consideration of the committee the advisability of laying before the conference for its adoption a resolution expressing the earnest hope of the conference and embodying a friendly recommendation to China that immediate and effective steps be taken by the Chinese Government to reduce the aforesaid military forces and expenditure."

The chairman said that the adoption of this report would be the adoption of a recommendation that there should be prepared and submitted to the conference a resolution in the sense of this declaration or resolution adopted by the subcommittee. The question was,



then, upon this resolution. The chairman asked if there were any remarks.

Senator Underwood said that he did not desire to discuss the pending resolution further than he had already, but he wished to make one statement before the committee adjourned that morning. He had listened with much interest to the statement read by Mr. Koo in reference to the desire of China for tariff autonomy, which was a very natural and proper desire. Any great government naturally wished the time might come when she might control her own finances, notwithstanding that she yielded the control herself. So far as he was concerned, he gladly welcomed an opportunity, when it could be done, of restoring to China her entire fiscal autonomy; but he thought it was fair to the subcommittee and to the members of this committee to say this—and it was in line with the resolution pending—that he was sure this subcommittee and the committee to which he was now addressing himself would gladly do very much more for China along all lines if conditions in China were such that the outside powers felt they could do so with justice to China herself. He did not think there was any doubt in the minds of the men on the subcommittee as to the question that if China at present had the unlimited control of levying taxes at the customhouse, in view of the unsettled conditions now existing in China, it would probably work, in the end, to China's detriment and to the injury of the world; and he thought that had more to do with the subcommittee not making a full and direct response to Mr. Koo's request than anything else. He was sure there was no desire on the part of the other powers to be selfish, or not to recognize the full sovereignty of China, and he only rose to say this, that if he was a judge of the situation, a judge of the temper of conditions in the balance of the world, he felt sure that when China herself established a parliamentary government of all the Provinces of China and dispensed with the military control that now existed in many of the Provinces of China, so that the outside powers might feel that they were dealing with a government that had entire and absolute and free control of the situation, China could expect to realize the great ideals of sovereignty that she asked for at this table.

The chairman said he would like to make this suggestion to the committee: The resolution which was before them, which had been adopted by the subcommittee, as he had stated, brought before the committee the question of the advisability of having a resolution to report to the conference. His suggestion was that, as this matter had been thoroughly considered in the subcommittee, of which Senator Underwood was the chairman, this subject be recommitted to the subcommittee with instructions to bring in a resolution in the sense of their recommendation, in form suitable for adoption by the committee. He asked whether that suggestion was agreeable to the delegates. If it was, he would put it to vote. The United States of America, he said, assented.

Belgium and the British Empire then gave their assent.

The chairman said he believed China was not voting upon this.

Mr. Koo then asked the permission of the chairman to read the following statement:

"The hope for effective reduction of the military forces and expenditure in China, as expressed in the resolution proposed by the

subcommittee completely coincides with the desire and determination of the Government and people of China. Knowing the profound sentiment of sympathy and disinterested friendship which the United States always entertains toward my country, and to which the chairman of the subcommittee who originally proposed the suggestion in that body, has so frequently given expression in the deliberations of this body, and as we are assured that the suggestion is animated by the best of intentions, and without any desire to interfere in the internal problems of China, I do not hesitate to say that the Chinese delegation has no objection to the chairman's suggestion, and though naturally I wish to abstain from voting on it myself, I nevertheless appreciate the spirit in which it is moved."

The chairman said that he would continue the call with respect to the assent to the recommitment of the resolution to the subcommittee with instructions to bring in a resolution in the sense of their recommendation, in form suitable for adoption by the committee.

The chairman continued the call of the powers represented, beginning with France and ending with Portugal, and announced that the proposal was unanimously adopted by all the powers except China, which did not vote.

Sir Robert Borden, calling attention to the recommendation of the subcommittee to the effect that the report be referred to the drafting committee with a view to putting the agreement in final form and separating the provisions which could go into force forthwith, from those which were dependent on ratification by the powers, inquired whether it was to be understood that this recommendation was included and approved under the formal votes of the committee already taken.

The chairman said that he was obliged to Sir Robert Borden for bringing the matter to his attention. He noted that the subcommittee recommended that as the agreement which they had proposed and which had been set forth in the resolution adopted, included provisions relating to two distinct matters, it should be referred to the committee on draft to put it in final form, separating the provisions that could go into force forthwith from those that were subject to ratification by the powers. He inquired if the committee was ready to act upon this.

The recommendation was unanimously adopted.

The chairman said that he would now ask Mr. Root, as chairman of the subcommittee on drafting, to present a resolution which he understood had been formulated, upon the subject of the withdrawal of foreign troops from China.

Mr. Root said that the subcommittee on drafting had to report the resolutions with regard to armed forces in somewhat different form from that in which they were sent to the committee. He would first read the resolution which the committee had reported and then explain the process by which it had reached its present form.

He then read the following resolution:

"Whereas the powers have from time to time stationed armed forces, including police, in China to protect the lives and property of foreigners lawfully in China;

"And whereas it appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

"And whereas the powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement, whenever China shall assure the protection of the lives and property of foreigners in China;

"And whereas China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China; -

"Now to the end that there may be a clear understanding of the conditions upon which in each case the practical execution of those intentions must depend;

"It is resolved that the diplomatic representatives in Peking of the powers now in conference at Washington, to wit: the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal, will be instructed by their respective Governments, whenever China shall so request, to associate themselves with three representatives of the Chinese Government to conduct collectively a full and impartial inquiry into the issues raised by the foregoing declarations of intention made by the powers and by China and shall thereafter prepare a full and comprehensive report setting out without reservation their findings of fact and their opinions with regard to the matter hereby referred for inquiry, and shall furnish a copy of their report to each of the nine Governments concerned which shall severally make public the report with such comment as each may deem appropriate. The representatives of any of the powers may make or join in minority reports stating their differences, if any, from the majority report.

"That each of the powers above named shall be deemed free to accept or reject all or any of the findings of fact or opinions expressed in the report, but that in no case shall any of the said powers make its acceptance of all or any of the findings of fact or opinions either directly or indirectly dependent on the granting by China of any special concession, favor, benefit, or immunity, whether political or economic."

The resolutions, when they were sent to the subcommittee on drafting, were in the form of a direction that the commission on extra-territoriality should also conduct an inquiry into the maintenance of public order. After some discussion, the representatives of China expressed a doubt as to whether that would be satisfactory to the Chinese people and asked for the change so that the inquiry should be prosecuted by the ministers at Peking, and it was changed accordingly.

When that had been done, the representatives of China desired to communicate with their own Government, and, having done so, they expressed the opinion that giving authority to make the inquiry would be distasteful to the Government of China, and accordingly the resolution was changed, so that instead of directing the inquiry there was a provision that the inquiry should be directed whenever China should so request.

The subject having been presented to the full committee of the conference and the request having been made by the Chinese representatives for relief from the presence of foreign troops in China, the resolution took that form, because it seemed clear to the members of the subcommittee that they were not at liberty to remain

silent; they must act, they must take such steps as they found practicable to take, or else rest under the implication of being unwilling to do anything about it, against which they could not well defend themselves.

These two statements—one permitting the various nations concerned to withdraw troops when protection was afforded and the other professing readiness to afford protection—being before the committee, which was entirely uninformed as to whether the conditions upon which the decision would depend really existed, it seemed that, in order to do anything, the members of the committee must inform themselves, and that the first step toward informing themselves was this inquiry that was presented here. But, of course, there was no desire to force any such inquiry upon China if she did not wish it, and accordingly it was put in such form that it remained for China to take the next step by requesting the inquiry upon which must be based any relief which could possibly be given.

Mr. Root continued that there was an understanding that the expression "armed forces" might be made to include police as well as troops, and that it was understood that the words in the first recital "including police" were to be included after the words "armed forces," so that it would read "the powers have from time to time stationed armed forces, including police," and so forth.

Mr. Sze said that he rose to say a few words of appreciation of the subcommittee's desire to do something for China. He knew the difficulty of the subcommittee and also their own difficulties in meeting the views of the subcommittee. In order, however, that the stand of the Chinese delegation might be understood, he asked for the permission of the committee to read a statement which might be placed on the records. He then read the following statement:

"The Chinese delegation takes note of the resolution with regard to the withdrawal of foreign troops from China and expresses its appreciation of the offer of the eight powers approving this resolution to instruct their respective diplomatic representatives at Peking to associate themselves with representatives of the Chinese Government, when that Government shall so request, in order to conduct collectively a full and impartial inquiry as to the necessity for continuing to maintain foreign armed forces in China. The Chinese delegation will assume, unless now notified to the contrary, that, should their Government at any future time desire to avail itself of the foregoing offer, inquiries and resulting recommendations may be asked for with reference to the presence of foreign armed forces at particular places or in particular localities in China.

"The Chinese delegation desires further to say with reference to the general matter of maintaining armed forces by a nation or nations within the borders of other States which have not given their express consent thereto, that it is its understanding that, according to accepted principles of international law, the sending or stationing of such forces can rightfully be only a temporary measure in order to meet emergencies that threaten imminent danger to the lives or property of the nationals of the States taking such action, and that, upon the passing of such emergency, the forces sent should be immediately withdrawn.

"It is also the understanding of the Chinese delegation that the obligation to make such withdrawal can not, as a general principle,

be rightfully postponed until the Government of the State where they are located has consented to an inquiry by the representatives of other powers into its own domestic conditions as regards the maintenance of law and order, and a report has been made declaring that there is no necessity for the presence of such foreign armed forces. In other words, it is the understanding of the Chinese delegation that accepted international law recognizes the basic right of every sovereign State to refuse its consent to the sending into or the stationing within its borders of foreign armed forces, and that while it may, by an exercise of its own will, consent that an inquiry shall be made as to the necessity in fact of the continuance within its borders of such foreign armed forces as may be therein, such action upon its part, or a resolution by other powers offering their cooperation in such an inquiry, is not to be deemed in derogation or limitation of the inherent right of a sovereign State to refuse entrance to, or further continuance, within its borders of foreign armed forces."

Mr. Sze said that he would like to submit to the committee the question whether railway guards were included within the armed forces set forth in the resolution.

Mr. Root asked to amend the report by inserting the words "and railway guards" after the words "including police" in the first paragraph.

He thought so much had been said about police that the committee were bound not to pass over it in silence. Of course, when his Chinese colleagues presented here an appeal to be relieved from some burden which was grievous to them, they created a situation where silence could not be maintained. If this were done, and the burden was grievous and unjust, the committee took upon their own shoulders the responsibility.

Now, with regard to the police, he was not willing that the people of China should think that the United States turned a deaf ear to an appeal such as had been made. The committee did not turn a deaf ear to it. He was not willing that such few people in China as had ever heard of him should think that he would do it. He was not willing that the people of his own country should think that he would do it. The moment China made an appeal here, he thought the committee were bound to do something about it or to state why they did not do something about it. An appeal was made with regard to troops, and it had been shown just what situation was created by the statements of the two different Governments regarding the condition of public order, and an offer had been made to set in motion adequate machinery for resolving the doubt that existed and which stood in the way of any relief. He thought that the committee were bound to do the same thing with regard to police forces, and the draft of this report was made using the terms—not troops, but "armed forces," with the design of including police; and it included railway guards, of course. It was not a matter of terms. It was not a question of the name that happened to be given to the person who was employed in a public capacity with arms to preserve order. He might be called a policeman, or he might be called a guard, or what not. He thought that the committee were bound to put into this report the words that they originally authorized to be put there, in order that there should stand upon the record a state-

ment showing that they were willing to act in response to this appeal, and that they stood ready to take the first step toward action by ascertaining what the facts were.

The chairman said that the committee was dealing with the subcommittee's report, and he assumed there would be no objection to the subcommittee amending its report so as to present the matter to the committee in the way they suggested; and he understood that the report was amended so that the first recital should read:

"Whereas the Powers have from time to time stationed armed forces, including police and railway guards in China, to protect the lives and property of foreigners lawfully in China."

The chairman said that the hour was quite late, but he supposed it might be possible to dispose of this matter before adjournment, unless there was some question requiring further explanation. The question was now on the adoption of this resolution in the amended form in which it was presented by the subcommittee. He asked whether further discussion was desired, or whether action should be taken.

A vote being taken, and the assent of all the delegates present being given (with the exception of the Chinese, who abstained from voting), the resolution was adopted in the amended form in which it was presented by the subcommittee as follows:

"Whereas the Powers have from time to time stationed armed forces, including police and railway guards, in China to protect the lives and property of foreigners lawfully in China:

"And whereas it appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

"And whereas the Powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement, whenever China shall assure the protection of the lives and property of foreigners in China:

"And whereas China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China:

"Now to the end that there may be a clear understanding of the conditions upon which in each case the practical execution of those intentions must depend:

*"It is resolved:* That the Diplomatic Representatives in Peking of the Powers now in Conference at Washington, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, The Netherlands and Portugal, will be instructed by their respective Governments, whenever China shall so request, to associate themselves with three representatives of the Chinese Government to conduct collectively a full and impartial inquiry into the issues raised by the foregoing declarations of intention made by the Powers and by China and shall thereafter prepare a full and comprehensive report setting out without reservation their findings of fact and their opinion with regard to the matter hereby referred for inquiry, and shall furnish a copy of their report to each of the nine Governments concerned which shall severally make public the report with such comment as each may deem appropriate. The representatives of any of the Powers may make or join in minority reports stating their differences, if any, from the majority report.

"That each of the Powers above named shall be deemed free to accept or reject all or any of the findings of fact or opinions expressed in the report but that in no case shall any of the said Powers make its acceptance of all or any of the findings or fact or opinions either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic."

The chairman said it was rather difficult to say, at this time, when the work of the committee could profitably be proceeded with, in view of the work that remained to be done in the committee on armament. He said that if it was agreeable to the committee, adjournment might now be taken subject to the call of the chairman.

Whereupon at 1.40 p. m., the committee adjourned subject to the call of the chairman.

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#### EIGHTEENTH MEETING—MONDAY, JANUARY 16, 1922, 3.30 P. M.

##### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. le Tellier, Mr. Silvercrux.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir. Maurice Hankey, Mr. Lampson, Mr. Bajpai, Sir H. Llewellyn Smith.

*China.*—Mr. Koo, Mr. Sze, Dr. Wang. Accompanied by Dr. Hawking Yen, Mr. Zee, Mr. King, Dr. M. T. Z. Tyau.

*France.*—Mr. Sarraut. Accompanied by Mr. Kammerer, Mr. Duchéne.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Mr. Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimuri, Mr. Komuchi, Mr. Sako, Mr. Shiratori.

*The Netherlands.*—Jonkheer Beclaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, assisted by Mr. Cresson and Mr. Osborne.

Interpreters, Mr. Camerlynck and Mr. Talamon.

1. The eighteenth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan-American Union Building on Monday, January 16, 1922, 3.30 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Koo, Mr. Sze, Dr. Wang; for France, Mr. Sarraut; for Italy, Senator Schanzer, Senator Albertini; for Japan,

Mr. Shidehara. Mr. Hanihara; for the Netherlands, Jonkheer Beclaerts von Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte. Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. de Warzee, Mr. le Tellier, Mr. Silvercruys; for the British Empire, Sir Maurice Hankey, Mr. Lampson, Mr. Bajpai, Sir H. Llewellyn Smith; for China, Dr. Hawking Yen, Mr. Zee, Mr. King, Dr. M. T. Z. Tyau; for France, Mr. Kammerer, Mr. Duchéne; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimuri, Mr. Komuchi, Mr. Sako, Mr. Shiratori; for the Netherlands, Jonkheer van Starckenborgh, Mr. de Kat Angelino.

The secretary general, assisted by Mr. Cresson and Mr. Osborne, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman (Mr. Hughes) said that, before proceeding with the further order of business, the committee would entertain the report of the subcommittee on drafting in regard to Chinese customs tariffs, if the report was ready.

Mr. Root said he had the honor to report for the subcommittee as follows: The report of the subcommittee on Chinese revenue which had been adopted by the committee and referred to the drafting committee contained (1) provisions for revision of the customs schedule under the present treaties, so as to make the rates equivalent to 5 per cent effective in accordance with the existing treaties, and (2) provisions, relative to a new treaty, which modified the existing treaties.

The subcommittee on Chinese revenue, in the report which had been adopted, recommended that these two classes of provisions be separated and put into two instruments, one in the nature of a declaration and the other in the nature of a formal treaty. The subcommittee on drafting had followed that direction, and reported, first, the resolution having in view the schedule under the existing treaties. Mr. Root then read as follows:

**"AGREEMENT ON THE REVISION OF THE CHINESE TARIFF.**

"With a view to providing additional revenue to meet the needs of the Chinese Government, the powers represented at this conference, namely, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, agree:

"That the customs schedule of duties on imports into China adopted by the tariff revision commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective as provided for in the several commercial treaties to which China is a party.

"A revision commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

"This commission shall be composed of representatives of the powers above named and of representatives of any additional powers who have treaties with China providing for a tariff on



imports and exports not to exceed 5 per cent ad valorem and who desire to participate therein.

"The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern Questions.

"The revised tariff shall become effective as soon as possible, but not earlier than two months after its publication by the revision commission.

"The Government of the United States, as convener of the present conference, is requested forthwith to communicate the terms of this resolution to the Governments of powers not represented at this conference but who participated in the revision of 1918, aforesaid."

Mr. Root said that, since the above agreement had been authorized by the subcommittee on drafting, the suggestion had been made that the terms of the clause which provided that the revision commission should be composed of representatives of the powers present, and of representatives of any additional powers who had treaties with China providing for a tariff on imports and exports not to exceed 5 per cent, would include Russia, but that it would be impossible to send notice to Russia or to collaborate with Russia in such a commission because Russia had no government which had been recognized by any of the powers here present. In conversation upon this subject with several members of the subcommittee on drafting the suggestion had been made that an amendment should be added to the resolution inserting after the words "additional powers" the words "having governments at present recognized by the powers represented at this conference"; and, if that met the views of the members of this committee, it would hardly be worth while to call the subcommittee on drafting together again, as all its members were present. Mr. Root therefore suggested that the committee amend the report by the inclusion of these words.

Mr. Root then asked the chairman if it was his pleasure that this resolution should be taken by itself.

The chairman said he thought it had better be taken first, if there was no objection.

The only difference between the text of the resolution as proposed and the text of the resolution distributed was that in the fourth paragraph after the words "additional powers" the words "having governments at present recognized by the powers represented at this conference and" should be inserted, so that the paragraph would read:

"This commission shall be composed of representatives of the powers above named and of representatives of any additional powers having governments at present recognized by the powers represented at this conference and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent ad valorem, and who desire to participate therein."

He then asked if the committee was ready to discuss and act upon this resolution.

Baron de Cartier said he wished to raise the question of the position in which the Grand Duchy of Luxemburg would be placed by the resolution just read by Mr. Root. On September 2, 1861, a

treaty of commerce and navigation was concluded between China and the King of Prussia, the latter acting in his own name as well as in the name of other members of the Zollverein, among which was the Grand Duchy of Luxemburg. When war had been declared between China and Germany, the Netherlands minister in Peking, Jonkheer Beelaerts van Blokland, in charge of the interests of the Grand Duchy in Peking, made representations to the Chinese Government, in order to protect Luxemburg interests, as the Grand Duchy did not go to war with China. It was Baron de Cartier's impression that the Grand Duchy was embraced in the "additional governments" mentioned in the resolution, but this should be made clear.

The chairman said that, subject to any observation to the contrary which might be made, he supposed that the Grand Duchy would be embraced within this clause and would be adequately represented. If there was no objection, the committee would so assume. He asked if any of the committee desired to discuss the resolution.

Jonkheer Beelaerts van Blokland asked—though he did not consider the point of material importance—if it was necessary for the amendment to contain the words "at present." He doubted whether there was sufficient reason to adopt the present moment as decisive. The suggested wording would make it impossible for a government recognized between the present moment and the convening of the commission to participate in the revision.

The chairman said that his own suggestion was that the words "at present" furnished a datum with respect to which there was perfect certainty, because later there might be recognition by some powers and not by others, and there would be ambiguity which might possibly occasion some embarrassment.

Sir Robert Borden inquired whether the drafting committee had considered the effect of the wording of paragraph 4 on States which were formerly part of the Russian Empire, but which were now independent powers whose governments had been recognized. He presumed that it was intended that these powers should have the right to be represented on the revision commission and at the special conference, if they so desired.

Mr. Balfour remarked that Finland and Poland had both been recognized.

Senator Underwood said that he was not sure that his viewpoint was the correct one, but, as he understood the situation, China was sovereign as to her right to levy custom taxes except in so far as she had given away that right by treaty. Now it was proposed to change the treaty right by which the power of the Republic of China was at present limited and to offer an increase in taxation at the customs house. No country that had not treaty relations with China and obligations from China growing out of those treaties had any right to make any complaint whatever as to what China did in reference to taxes at the customshouse. Her only binding obligation was in respect to the Governments with whom she had signed treaties. As to the other Governments, who would not be represented, they could not complain as a matter of right, because they had no established right in regard to China (any more than in regard to the United States or Japan) to control the customs taxation of China.

On the other hand, they could not complain of any undue advantage being taken of them, because these two papers, this resolution and the treaty that was to follow, prescribed everything to their advantage in providing that the "open door" into China should in the future mean equal opportunity to all, whether treaty powers or nontreaty powers, whether they sat at the table to reform this tariff or not. Every one of them would go into China under the same conditions and, therefore, he could not see that any power that was not represented at the table could have any right to complain, especially as to this resolution, since in it the treaty powers were only complying with their contract with China heretofore made.

The chairman said that he supposed this clause of the resolution defined those who were to be represented in the proposed commission. They were the Governments who were at present recognized by the powers represented at this conference and who had treaties with China providing for a tariff.

Mr. Koo said he wished to add a few words in regard to the actual situation in China with reference to nontreaty powers. According to the paragraph under discussion, for a country to have a representative on the commission mentioned therein it was necessary for several conditions to be present at the same time. One of these conditions was that the power in question should have a treaty with China in regard to import customs duties. Other powers (i. e., those not having such treaties) were necessarily precluded. As a matter of fact, the Chinese Government had already promulgated and put in force some time before a special tariff for nontreaty powers. If a lower rate than the 5 per cent authorized by the existing treaties had been granted to one of these nontreaty powers, such a reduction would probably have to be made applicable to all under the most-favored-nation clause. But the present rate of import duties on the goods of the nontreaty powers was higher than 5 per cent. In that respect the principle of "the open door," under the present Chinese law, could not be invoked to include nontreaty powers.

Sir Robert Borden reverted to the point which he already raised. He said that if the Government of Russia were recognized Russia would obviously be entitled under Paragraph IV of the resolution to be invited to send representatives to the proposed conference. But the present Russian Government was not recognized. On the other hand two States whose territories were formerly part of the Russian Empire—namely, Finland and Poland—were recognized, and the question the committee had to decide was whether the convening power would be bound to ask these two States to send representatives to the conference. The question might be taken into consideration afterwards, but in his opinion it would be necessary at some stage to determine whether or not Poland and Finland had succeeded to Russia's rights in respect of treaties which the former Russian Empire had concluded with China.

The chairman said Sir Robert Borden had stated that point with perfect clarity, and he thought that it was well understood. He asked if the committee desired to discuss the matter further, or were ready to act. The delegations being polled, each voted affirmatively, and the chairman announced that the resolution had been unanimously adopted.

The chairman asked if there was another resolution.

Mr. Root said he would read the resolutions proposing a convention covering the matters which were not to be done under the existing treaty. He then read the following:

RESOLUTIONS REGARDING REVISION OF CHINESE CUSTOMS DUTIES.

"With a view to increasing the revenues of the Chinese Government, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal agree:

"I. That immediate steps be taken through a special conference, to be composed of representatives of the contracting powers and other powers which adhere to this convention, to prepare the way for the speedy abolition of likin and for the fulfillment of the other conditions laid down in Article VIII of the treaty of September 5, 1902, between Great Britain and China, in Articles IV and V of the treaty of October 8, 1903, between the United States and China, and in Article I of the supplementary treaty of October 8, 1903, between Japan and China, with a view to levying the surtaxes provided in those articles.

"The special conference shall meet in China within three months after the date of the ratification of this convention on a day and at a place to be designated by the Chinese Government.

"II. The special conference shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties above mentioned; and it shall authorize the levying of a surtax on dutiable imports as from such date for such purposes and subject to such conditions as it may determine.

"The surtax shall be at a uniform rate of 2½ per cent ad valorem, except in the case of certain articles of luxury, which, in the opinion of the special conference, can bear a greater increase without unduly impeding trade, and upon which the total surtax shall not exceed 5 per cent.

"III. That following the immediate revision of the customs schedule of duties on imports into China as provided for in a resolution adopted by the representatives of all powers signatory to this convention at a plenary session of the Conference on the Limitation of Armament held in the City of Washington on the — day of January, 1922, there shall be a further revision to take effect at the expiration of four years following the completion of the aforesaid revision in order to insure that the customs duties shall correspond to the ad valorem rates fixed by the special conference herein provided for.

"That following this revision there shall be periodical revisions of the customs schedule of duties on imports into China every seven years for the same purpose in lieu of the decennial revision authorized by existing treaties with China.

"That in order to prevent delay such periodical revisions shall be effected in accordance with rules to be settled by the special conference mentioned in Article I herein.

"IV. That in all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all powers parties to this convention.

"V. That the principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized; that the special conference above provided for shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which the customs privilege to be abolished was granted in return for some local economic advantage.

"In the meantime, any increase in the rates of customs duties resulting from tariff revision or any surtax hereafter imposed, in pursuance of the present convention, shall be levied at a uniform rate ad valorem at all land and maritime frontiers of China.

"VI. That the charge for transit passes shall be at the rate of 2½ per cent ad valorem until the arrangements contemplated in Article I herein come into force.

"VII. That the powers not signatory to this convention, but whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per cent ad valorem, shall be invited to adhere to the present convention, and upon such adherence by all of them this convention shall override all provisions of treaties between China and the respective contracting powers which are inconsistent with its terms.

"That the United States Government, as convener of the present conference, undertake to make the necessary communications for this purpose and to inform the Governments of the contracting powers of the replies received.

"VIII. Ratification clause of usual form."

Mr. Root said that, in accordance with the resolution already adopted, there should be inserted some words in Article VII, so that it would read:

"That the powers not signatory to this convention having Governments at present recognized by the powers represented at this conference, but whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per cent ad valorem, shall be invited to adhere to the present convention, and upon such adherence by all of them this convention shall override all provisions of treaties between China and the respective contracting powers which are inconsistent with its terms."

Sir Robert Borden drew attention to the concluding portion of the first half of Article III and suggested that after the words "ad valorem rates" the words "then in force" should be substituted for the words "fixed by the special conference herein provided for."

Mr. Root said that that would hardly correspond with the idea which the subcommittee on Chinese revenue had and which had been followed without any change whatever in this paragraph.

Sir Robert Borden said he thought that the treaty read "ad valorem rates fixed."

Mr. Root said that the sense of the paragraph was that, following the immediate revision of the schedules of duties which the commission would raise under the resolution that had been adopted, there should be a further revision to take effect at the expiration

of four years following the completion of the aforesaid revision in order to insure that the customs duties should correspond to the *ad valorem* rates fixed by the special conference as in the treaty. It was not to make the customs duties correspond to the *ad valorem* rates in force, but to the *ad valorem* rates fixed by the special conference, and to make the customs duties correspond to the new *ad valorem* rates, if there should be any, not the *ad valorem* rates already in force.

Sir Robert Borden, replying to Mr. Root, said that it was possible that the same result might be arrived at by leaving the words as they stood in the draft. But, if he understood the position correctly, the customs duties might at a future date consist of the 5 per cent now established by treaty and an additional surtax of  $2\frac{1}{2}$  per cent fixed by the special conference. The 5 per cent would not be fixed by that conference. His view, therefore, was that it would be preferable to have the last lines of the first clause of paragraph III read, as follows: "That the customs duties shall correspond to the *ad valorem* rates then in force." But he did not wish to press the point, which was purely one of drafting.

Mr. Root said that the surtax might run anywhere from  $2\frac{1}{2}$  to 5 per cent.

Sir Robert Borden agreed that it might on luxuries.

Mr. Root said that the commission would have to fix that, so that the yardstick they were to apply was not anything that the committee fixed, but something that the commission had to fix.

The chairman asked if Sir Robert Borden wished to press his suggestion.

Sir Robert Borden answered that he did not, as it probably would be covered.

The chairman asked if any of the committee desired to say anything further regarding Article I. If, not, Mr. Sarraut desired to speak in regard to another article.

Mr. Sarraut said that he would ask to be enlightened with respect to Article I, especially with respect to the phrase "and other powers which adhere to this convention to prepare the way for the speedy abolition of *likin* and for the fulfillment of the other conditions laid down in Article VIII of the treaty of September 5, 1902, between Great Britain and China, in Articles IV and V of the treaty of October 8, 1903, between the United States and China, and in Article I of the supplementary treaty of October 8, 1903, between Japan and China, with a view to levying the surtaxes provided in those articles."

Mr. Sarraut said he believed that there had been certain changes from the first text prepared by Mr. Kammerer in which special reference had been made to "Articles IV and VIII of the treaties between the United States and China and to Article I of the supplementary treaty of October 8 between Japan and China." These references had not been made in the original text. Referring to the text of these treaties, Mr. Sarraut said he would like to ask the following question: Was it the intention of the articles as drafted to oblige all nations to bind themselves by the terms of the most-favored-nation clause or was this done by error? If an automatic application of the most-favored-nation clause was intended, he must make a reservation, as his own Government might not agree. He believed that it would be

better to omit the clauses referring to the most-favored-nation clause or to say that it was not desired to apply them automatically.

Mr. Root said the treaties referred to in Article I were the same treaties which were referred to in the original report of the committee on Chinese revenue. The only difference was that this draft specified the particular articles of those treaties which were supposed to be relevant to the subject matter of this instrument. It was rather to limit than to enlarge the reference in the original report, and the conditions which were referred to in Article I were the conditions upon which the powers entering into these treaties with China undertook to consent to the increase of duties: i. e., they agreed to consent to an increase of duties on condition that China did thus and so. No conditions were imposed upon any other power, so that no obligation whatsoever could be found in this article upon any of the powers other than China in respect of the most-favored-nation clauses. That was his understanding of it.

Mr. Sarraut said that he took note of Mr. Root's statements, and would refer to them, if necessary. He felt he must point out, however, that if the text of the resolutions alone was considered it did not directly appear that the most-favored-nation clause did not automatically apply. In view of Mr. Root's explanations, however, he would not insist further upon the matter.

Sir Auckland Geddes said he assumed that it was quite clear—this was the way in which he read this paragraph—that, so far as the treaties in question bound countries other than China at the present time, they would bind only those countries afterwards, and that the provisions, for instance, of the Chinese-American treaty would not be extended to Chinese-British relations?

Mr. Root said he had no doubt of that.

The chairman asked if further discussion of this agreement was desired.

The delegations, being polled, each voted affirmatively and the chairman declared that the resolution and proposed agreement had been unanimously adopted.

Mr. Root said that there was a separate resolution which the subcommittee had directed him to report, as follows:

"That the Government of the United States, as convener of the present conference, be requested to communicate forthwith the terms of the agreement arrived at with regard to the Chinese tariff to the Governments of powers not represented at the conference which have treaty rights in the matter, with a view to obtaining their adherence to the agreement as soon as possible."

Putting in the words which had been put into the other documents, it would read: "Communicate forthwith the terms of the agreement arrived at with regard to the Chinese tariff to the Governments of powers not represented at the conference which have treaty rights in the matter and have Governments at present recognized by the Governments represented at this conference."

Sir Auckland Geddes suggested that, instead of using the long clause which had been read, the resolution should read: "That the Government of the United States, as convener of the present conference, be requested to communicate forthwith the terms of the agreement arrived at with regard to the Chinese tariff to the Governments of the powers concerned as stated in this agreement with a

view to obtaining their adherence to the agreement as soon as possible."

The chairman polled the delegations who voted affirmatively and announced that the resolution had been adopted unanimously.

The chairman asked whether there was any other matter which it was desired to bring before the committee before it proceeded with the regular order of business. At the last meeting of the committee, he said, the question of the so-called 21 demands had been presented by the representatives of China. Inasmuch as that question had a very close relationship to the matters under discussion in the Shantung conversations, he suggested that the committee postpone consideration of it. The same might also be said of the subject of spheres of influence.

If there was no objection on the part of the delegates, he suggested that the committee proceed to the next topic upon the American agenda—i. e., "the open door," or equality of commercial and industrial opportunity.

The chairman said that this subject had an intimate connection with the topic which immediately followed it, namely, concessions or preferential economic privileges. The committee might possibly make unnecessary the discussion at length of particular details in dealing with these subjects if it were to adopt, by agreement of the powers represented, a statement in amplification of the so-called "open-door" principle. The committee had already resolved that it was the firm intention of the powers here represented to use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China. It was manifest that the granting of special concessions of a monopolistic or preferential character, or which secured a general superiority of rights for one power to the exclusion of equal opportunity for other powers, was in opposition to the maintenance and application of this principle of equal opportunity. In order that this matter might be brought before the committee for discussion with a view to the adoption, if possible, of a statement a little more in detail than the general statement already adopted, he ventured to present for consideration a resolution which he did not mean to recommend in its precise phrasing necessarily, but simply as something concrete for consideration which would embody the proposition it was desired to present. The point was that it was idle to deal generally with the matter of equal opportunity and the so-called "open door" unless it was recognized that there was inherent in that principle the agreement that the committee was not attempting to obtain, either for the Governments represented on it or for their respective nationals, a general superiority of rights or preferential or monopolistic advantages which operated to the exclusion of other powers and their nationals.

The present purpose was to have as definite a statement of that purpose as the subject permitted.

The chairman then read the following:

**"DRAFT RESOLUTION ON THE OPEN DOOR."**

"With a view to applying more effectually the principle of the open door or equality of opportunity for the trade and industry



of all nations, the powers represented in this conference agree not to seek or support their nationals in asserting any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of the territories of China, or which might seek to create any such monopoly or preference as would exclude other nationals from undertaking any legitimate trade or industry or from participating with the Chinese Government in any category of public enterprise, it being understood that this agreement is not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial or industrial undertaking."

Sir Auckland Geddes said that he would like to say, first, that the British Empire delegation accepted and were in the most hearty agreement with the purpose of this resolution. There were, however, one or two points, principally drafting points, on which he would like to initiate some discussion.

The first point was this: As the proposed resolution stood, it applied to China, or rather to the Chinese Government and through it to Chinese nationals. At least, he read it so. He did not suppose that that was the intention, because that would have the effect of putting Chinese merchants or traders——"

The chairman (interposing) said that that was not the intention.

Sir Auckland Geddes said that then he was really dealing with a pure drafting point which it was not necessary to pursue further at that moment.

The next point of more than drafting importance which he ventured to bring forward for discussion was one which really arose at the end of the draft resolution. He called attention to the words "it being understood that the agreement is not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial or industrial undertaking."

He ventured to suggest that unless some machinery were provided serious difficulty might arise in future out of such a proviso as that. Obviously there must be certain relaxations of the central principle of the resolution that was recognized in the resolution itself; but how much relaxation was to be allowed and how was the committee to define the amount of relaxation to be allowed, so that there might not be international discussion without end over the interpretation of this clause? It occurred to him that it might not be beyond the range of possibility to apply some quite simple machinery in the way of a court of reference to which such matters could be submitted. This was an important matter, he thought, with regard to these proposals.

The next point he wished to raise was rather small. It was again in connection with the last part of the resolution. He quite understood that it was not desirable, it was not desired and it would be unfortunate if it were done, that this resolution should be loaded with details, but there were such things as patent rights, trade-marks, copyrights, etc., to provide for in any agreement; also, such things as mining permits. Those had to be looked after, and he thought they were not covered by the wording of the resolution as it stood at the moment.

The other points he had to raise on this resolution were, he thought, all in the nature of drafting amendments and perhaps it would be better for him not to take them up at this time unless it was proposed to complete consideration of this matter at the present meeting.

The chairman said that, with respect to the important questions raised by Sir Auckland Geddes, he did not think that they presented any points about which there would be disagreement. In the first place, the intention, of course, was not to interfere with the appropriate relations between China and her own nationals. In two or three of the resolutions adopted by the committee, which were manifestly intended to state the attitude and agreement of the powers other than China, the words "other than China" had been inserted. The same could easily be done in the present case.

The point that cases might arise which would require diplomatic interchanges and possibly give rise to differences of view with respect to the application of the terms of the agreement was common to many of the propositions which had been adopted. Without venturing at the moment to suggest anything definite, it might be found, before the labors of the conference were finished, that it would be advantageous to provide some sort of machinery for the purpose of dealing with questions which might arise with regard to the application of the principles to which the powers represented on the committee had given adherence.

That, however, was not a matter which had embarrassed the committee in dealing with the propositions heretofore advanced—for example, those very broad provisions of the resolution, already adopted, respecting the sovereignty, the independence and territorial integrity of China, and the statement which related to the open door itself. It was evident that in the application of these principles there might easily be transactions which would give rise to different points of view and as to which it would be highly desirable that there should be opportunity for consultations, for an interchange of views, and for efforts to reach a clear understanding.

The main point of this resolution was this: That the powers agreeing to it would not undertake for themselves or their nationals to establish in regions of China a general superiority of rights. Of course, anything the committee did would be interpreted in the light of history, and he assumed that it might be difficult (although he was not desirous to press this particular form of expression upon the delegates) to find a form which would more clearly give the idea of what had interfered with the application of the open-door principle. In other words, there was a great difference between a particular enterprise, a particular undertaking of commerce or industry, and the assertion, or the endeavor to obtain a position from which it could be asserted, that one power, or its nationals, had a general superiority of right in any region of China.

As he had said, he was not wedded to the particular phraseology, but if anything was meant—and of course it was—by the expression of the intention, the main intention, to apply the principle of the open door, then the powers represented on the committee certainly meant that they were not going to endeavor to exclude each other from opportunities in regions of China and that the method heretofore found to be available for that purpose had been the establish-

ment of a general superiority of rights. The distinction between a general superiority of rights and the right to conduct a particular enterprise and to have the rights and properties which were essential to the conduct of a particular enterprise was, he thought, quite apparent.

With regard to the point that patents, trade-marks, copyrights, and mining permits represented a phase of monopolistic endeavor, *quo ad hoc*, was of course well taken; but he assumed that it was certainly within the intention and, he would suppose, within the form of expression, that those particular rights would be embraced in the particular commercial or industrial undertaking with which it was not the purpose of this agreement to interfere. For example, if it were proposed that there should be an opportunity to obtain patent rights or copyrights such as inventors or authors enjoyed in this country or other countries, the fact that any inventor or author had that opportunity and when he made use of it according to the law obtained to that extent a monopoly was not in any true sense an exclusion of anybody else who had the same opportunity with respect to the same sort of enterprise under the same rules which were generally applicable. But if it were said that in any particular Province or region of China no one should obtain patents except the nationals of a particular power or that no one should enjoy the opportunity to have this or that sort of enterprise save one power or its nationals, then a situation would be created involving an assertion of an economic preference or superiority of privilege which would be utterly inconsistent with the open-door principle. He granted the difficulty of stating that precisely. Any improvement that could be suggested would be welcome. The main point was that, when it came to dealing with this question of concessions and monopolies and preferential economic privileges, a clear understanding should, if possible, be arrived at by this conference which would promote the friendly relations which existed between the powers represented and the spirit of friendly cooperation which had so happily been in evidence.

Mr. Balfour said that he could not help thinking that the British Empire delegation had approached the discussion of this proposal from a somewhat different standpoint from that which the chairman had just explained. The British Empire delegation had thought that the principles on which the chairman had so eloquently dwelt were already completely accepted. The British Empire delegation understood that there was no representative of any power around the table who thought that the old practice of "spheres of influence" was either advocated by any Government or would be tolerable to this conference. So far as the British Government was concerned, they had, in the most formal manner, publicly announced that they regarded this practice as utterly inappropriate to the existing situation and they thought that the phraseology used in the earlier part of this resolution admirably expressed the view that that system had not only gone but had gone forever, and was now explicitly condemned. The words "general superiority of rights with respect to commercial or economic development in any designated region" were words happily designed, as he thought, to describe the system of spheres of influence; and the repudiation of that system was as clear

and unmistakable as could possibly be desired. But the British Empire delegation had supposed that all this had been already discussed and decided. Sir Auckland Geddes, therefore, had devoted himself to dealing not with these generalities—he thought them beside the present purpose—but to seeing how they would affect the actual, practical development of industrial and economic effort in China.

As concerned most industrial enterprises, no difficulty arose. The difficulty only arose when it came to that kind of enterprise which inevitably involved a monopolistic flavor—for example, a railway. Nobody was going to give money to build a railway if another railway was going to be built parallel to it at five miles distant. Here, therefore, there must be a monopoly; no doubt of a very limited kind, but still a monopoly. Again, no one was going to set up a telephone system or a telegraph system if another telegraph or telephone system in the same area, serving precisely the same demand, was to be set up by a rival company. Of course there were many enterprises of this character. As he understood it, the words at the end of the resolution were intended to deal with such situations, and he had no doubt that in many cases they did so deal. But the point was, did they deal with all of them? And did they deal with them in such manner as to prevent international disputes? It was to this and cognate subjects that Sir Auckland Geddes in the main had addressed himself. He did not dwell on the principle which was expressed with such lucidity and vigor in the first part of the resolution, for on this all were agreed. But on its practical application some further consideration did seem necessary, and he did not doubt that it would be accorded.

The chairman remarked that the hour was late, and he did not know that the committee could go much further in the discussion of this matter. He would say merely one word. He quite appreciated what Mr. Balfour had said—while the committee were discussing spheres of influence—regarding the attitude of the British Government, and nothing could be more gratifying than the assumption that all the powers represented on the committee were clearly of the view that that practice was entirely abandoned. The fact was, however, that the committee had not adopted any resolution which with any definiteness related to that subject or to the matters which were embraced in it. This resolution only dealt with that phase of the matter which had relation to the open door and the equality of opportunity; and his thought in bringing this before the committee for discussion was that the committee could greatly aid in the maintenance of the general principles which had been laid down, if it indicated more definitely its understanding upon this point.

He quite agreed as to the importance of making a full reservation with regard to particular enterprises, the conduct of which was not inconsistent with the maintenance of the principle, and would like very much to have the matter of possible machinery further discussed. He thought, as he had said a moment before, that it would be very helpful if the committee could have some kind of arrangement by which, in this matter and in others, they could avoid controversies, or at least have some way of practically settling them.

At this point, the meeting adjourned until January 17, 1922, at 3.30 p. m.

## NINETEENTH MEETING—TUESDAY, JANUARY 17, 1922, 3.30 P. M.

## PRESENT.

*United States*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium*.—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. le Tellier, Mr. Tilmont.

*British Empire*.—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Christie.

*China*.—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. Yen, Mr. M. T. Z. Tyau, Mr. T. C. Yen, Mr. C. Zee.

*France*.—Mr. Sarraut. Accompanied by Mr. Kammerer, Mr. Touzet.

*Italy*.—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan*.—Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*The Netherlands*.—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

*Portugal*.—Viscount d'Alte, Capt. Vasconcellos.

The Secretary General. Accompanied by Mr. Pierrepont and Mr. Paul. Mr. Camerlynck and Mr. Talamon, interpreters.

1. The nineteenth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Union Building on Tuesday, January 17, 1922, at 3.30 p. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes; Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Sarraut; for Italy, Senator Schanzer, Senator Albertini; for Japan, Baron Shidehara, Mr. Hanihara; for The Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. de Warzee, Mr. le Tellier, Mr. Tilmont; for the British Empire, Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Christie; for China, Mr. Yen, Mr. M. T. Z. Tyau, Mr. T. C. Yen, Mr. C. Zee; for France, Mr. Kammerer, Mr. Touzet; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Saito; for The Netherlands, Jonkheer van Starckenborgh, Mr. de Kat Angelino.

The Secretary General, assisted by Mr. Pierrepont and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

The Chairman, Mr. Hughes, said that on the previous day he had taken the liberty of proposing a resolution for the purpose of stating

more definitely the principle of the open door, or equality of opportunity, in China. Without reviewing what took place at that time, it was sufficient to say that in the light of the suggestions then made, and after consultation with experts of the delegations who had special familiarity with conditions in China and with the history of the application of the open door principle, a resolution along the lines of that previously suggested was now presented. In order that the points which it made might be suitably emphasized, he asked permission to read it, as follows:

**"THE OPEN DOOR IN CHINA.**

**" [Revised draft of resolution.]**

**"I. With a view to applying more effectually the principle of the open door, or equality of opportunity, in China for the trade and industry of all nations, the powers other than China represented at this conference agree:**

**"(a) Not to seek or to support their nationals in seeking any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China.**

**"(b) Not to seek or to support their nationals in seeking any such monopoly or preference as would deprive other nationals of the right of undertaking any legitimate trade or industry in China or of participating with the Chinese Government or with any provisional government in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.**

**"It is understood that this agreement is not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking, or to the encouragement of invention and research.**

**"II. The Chinese Government takes note of the above agreement, and declares its intention of being guided by the same principles in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries whether parties to that agreement or not.**

**"III. The powers including China represented at this conference agree in principle to the establishment in China of a board of reference, to which any question arising on the above agreement and declaration may be referred for investigation and report.**

**"(A detailed scheme for the constitution of the board shall be framed by the special conference referred to in Article I of the convention on Chinese customs duties.)**

**"IV. The powers including China represented at this conference agree that any provisions of an existing concession which appear inconsistent with those of another concession or with the principles of the above agreement or declaration may be submitted by the parties concerned to the board of reference when established for the purpose of endeavoring to arrive at a satisfactory adjustment on equitable terms."**

The chairman said that the declaration in the first article was intended to state with such precision as the subject admitted what the open door principle was understood to be. Of course there was little use in merely referring to equality of opportunity and the so-called open door if there was not a fairly clear appreciation of the nature of the agreement. It was impossible to foresee all contingencies. It would be inadvisable to attempt to state them in minute detail. That, however, did not mean that the principle could not be stated more definitely than hitherto it had been stated.

The resolution in the third article undertook to deal with the creation of machinery for the purpose of resolving questions in a sensible, practical way. It did not constitute a board with authority to decide; it did not establish any instrumentality with anything in the nature of powers, the exercise of which would be in derogation of the sovereignty or the freedom of any State; but it did provide machinery for examination of facts or, as the resolution said, for investigation and report.

A general declaration, even with this definiteness with respect to the open door principle, would leave much to be desired—(and the chairman was indebted to the suggestions made the previous day in this respect)—if the matter were left to the ordinary instrumentalities of diplomatic intercourse. The board representing the powers, in the sense that inquiry and report should be made, would furnish the facility for elucidating the facts without impairment of anybody's position in the light of those facts. Such elucidation of the facts would very likely itself lead to an agreement, at least it would very much aid in the endeavor to reach an agreement. Then, again, in the final paragraph, provision was made for inquiry and report, and for efforts at adjustment, where it appeared that there were conflicting claims.

The chairman said he would not undertake to review matters which had recently been the subject of diplomatic representations with regard to rights in China; they were familiar to the representatives of the Governments concerned. It was highly desirable, if this conference were to be made all it should be in removing causes of possible controversies, that these practical business questions should be dealt with in a practical, business way—that is, through some mechanism for examination of the nature of the conflict, if there was a conflict, between claims. The reports would, of course, bind no one. Nations would in no way part with their rights to maintain what they conceived to be their interests. Nationals would in no way be impaired in what they thought were their rights and any concessions they might have; but they would at least avoid an unnecessary dispute to the extent that such a dispute would not be favored by lack of opportunity for a general consideration, through an appropriate body, of the merits of the particular case.

He submitted this matter not, of course, with the desire to present anything that was intended to be limited to a precise form of expression, but with the hope that the principle sought to be expressed might have support.

Senator Schanzer begged the chairman to furnish him certain explanations concerning Article I of the resolutions, especially in regard to the spirit of points (a) and (b) of that article.

The chairman said it would give him pleasure to answer as best he could the questions which had been raised by Senator Schanzer.

The two clauses (*a*) and (*b*), were of course consistent. It was intended that they should be consistent and carry an application of the general principle. There was, however, a distinction between them. Clause (*a*) was not limited to the mere seeking of a concession which might be in the nature of a monopoly or preference with respect to a particular sphere of enterprise; it had a wider range. It took into account the facts with which all were familiar in connection with the recent history of China. It provided that the powers other than China represented at the conference should not seek, nor support their nationals in seeking, any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China. That was not limited to the question of a particular concession or enterprise, but it had the purpose of precluding the efforts by which, in a designated region, one power, or the nationals of that power, might have a superior position, broadly speaking, with respect to enterprises. It had direct relation to what had been known in the past as spheres of interest, which might be stated to be spheres of exclusion of other interests. In other words, it negated the endeavor to secure not a particular concession or grant, or the facility for conducting a particular enterprise, whatever the scope of that enterprise might be, but a status with respect to a designated region which would give general superiority or opportunity, and thus conflict with the open-door principle.

Now, the second clause, paragraph (*b*), dealt with cases which did not rise to the dignity of an endeavor to obtain a general superiority of rights with respect to development in a designated region, but with the more limited, yet still objectionable, endeavor to obtain such a monopoly or preference as would deprive nationals of other powers of the right to undertake legitimate trade or industry in China or of participating with the Chinese Government or with any provincial government in any category of public enterprise which, by reason of its scope, duration, or geographical extent, was calculated to frustrate the practical application of the principle of equal opportunity.

That was to be read in connection with the concluding clause of the first section of the resolution, that it was not to be so construed as to prohibit the acquisition of such properties or rights as might be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research. That was to say, paragraph (*b*) sought to preclude efforts by which monopolies or preferences would exclude other nationals from legitimate opportunity; it did not intend to prevent particular enterprises—commercial, industrial, or financial—which did not have that unfair exclusiveness which would make them inconsistent with the open-door principle.

It would therefore be seen, he thought, that there was a point in each of these paragraphs, the one relating to a general superiority of rights with respect to development in designated regions, the other relating to particular concessions which had a monopolistic or preferential character which, by reason of that character, infringed the



open-door principle. Neither of these provisions would be entirely satisfactory without the other as its complement.

Senator Schanzer thanked the chairman for the explanation which he had furnished concerning the first paragraph of the resolution. These explanations were fully sufficient to make clear the spirit of the American proposals.

In the name of the Italian delegation he declared that, in accordance with the ideas which they had supported since the first meeting of the Far Eastern committee, they agreed with the spirit of the American proposal, for it tended to enforce the application of the principle of the open door. They wished that all nations should have equal rights and facilities to aid in the progress of China, and for this reason they accepted in principle the proposal which had been put forward.

Sir Auckland Geddes said that the British Empire Delegation had had an opportunity of studying the resolution that had been introduced that day, and he would like to say a very few words with regard to it.

Yesterday he had had the honor to bring before the committee what he was inclined to think were some deficiencies in the resolution as it was originally drafted, such as the point dealing with the relation of China to the agreement and the method of settling any disputes that might arise; also any questions that would have to be dealt with in connection with trade-marks, copyrights, and so on.

He felt that all of these points were now fully safeguarded and met by this draft which had been brought before the committee to-day, and on behalf of the British Empire delegation he wished to announce that they were ready to accept this resolution as it stood.

Mr. Sarraut said that it was hard for him to make a statement regarding a document which he had never seen before; but that while wishing to reserve the right to examine the text, he felt that he could give a favorable opinion of the resolution as a whole, the principles of which were wholly in accord with his personal sentiments as regards the necessity of an effective application of the principle of the open door; for the mere statement of this principle was not sufficient.

He said he had no objections to formulate with regard to Article I of the resolution, save perhaps that it might be necessary to define just what a monopoly was. As for Article III, he wished to know who would submit to the board of reference such difficulties as might arise in the interpretation of the principle of the open door. As for Article IV, he wished to know whether the decisions of the board would have any bearing on concessions already existing, and whether the validity of certain business concerns of long standing could be questioned.

The chairman said it was not desired, of course, that there should be any action upon this resolution until abundant opportunity had been offered for a thorough examination and analysis.

With respect to the first question raised by Mr. Sarraut, that was to say, in relation to the concluding sentence of the first article of the resolution, he might say this: It was never desirable to have a

definition defeat its own purpose. If it were attempted to define every particular commercial, industrial, or financial undertaking which would be permissible, he thought the task would be found impossible, and that experience would soon show inability to foresee all the contingencies that might arise.

The open door was a very important principle, but it should be remembered that it was an open door and not a shut door. The very fact that it was an open door indicated that it was an opportunity for enterprise, not an obstacle to enterprise; the intent was to preserve equality of opportunity for legitimate enterprise. Every enterprise, of course, was of a particular nature if it was within the legitimate range that was contemplated.

In most cases it could readily be detected when the particular grant or concession transcended the limits that it was sought to establish and operated not simply as an opportunity but as a rule of unfair exclusion of others. In the great majority of cases there would not be the slightest difficulty in recognizing whether the particular enterprise lay within or without the application of the principle.

Now, he admitted that there would be cases, perhaps many cases, which were not so clear; it would be impossible to define them in advance. Therefore it was of importance not simply to leave the matter to diplomatic interchanges, but to provide some facility for discussion and explication of the particular case. So far, however, as the statement of the resolution itself was concerned, he would welcome any improvement. This has been the subject of considerable study on the part of experts and this particular form of statement had been taken because in connection with paragraphs (a) and (b) it was deemed advisable to suggest as well as could be done by a general statement, the class of undertakings which it was not desired to exclude, which it was desired should be freely prosecuted, and at the same time to indicate the two classes of effort which it was designed so far as possible absolutely to prevent.

The first class included those which endeavored to establish over a designated region a superior privilege to the exclusion of powers or their nationals. The second was a monopoly or preference not inherent in a particular legitimate undertaking, but embodying the exclusion of powers or their nationals from fields of industry and economic development. There was in paragraph (b) the suggestion that the consideration of the scope, duration or geographical extent itself of an enterprise might be very important in determining its essential character in the light of the open-door principle.

He suggested that if any phrase occurred to anyone of the committee, which would more clearly point the distinction obviously sought than the language which has been presented, the committee would be very glad to have it. There was no doubt that there was great difficulty in the formulation, but it had been hoped, without a fruitless effort at specification, to make a statement of the principle in a far more definite way than it had hitherto been expressed.

With regard to Mr. Sarraut's second question relating to the function and work of the board of reference, as he understood it, Mr. Sarraut had asked by whom the matter would be referred to the board of reference; What would be the practical operation of such a plan?

The chairman believed that matters in question of the sort described would come up in the way with which all were familiar. Nationals would address their Governments, there would be inquiries with respect to action that had been taken, supposedly, or stated to be, in contravention of the principle. Of course, the sovereign powers here represented were not going in any way to bind themselves with regard to unknown contingencies which might fetter the proper freedom of their actions; but if there was a facility at hand which could take the matter for examination and report as to the facts, it might be supposed that the powers who believed in this principle, who desired to have it fairly and continuously applied, would desire to avail themselves of that facility and would court the examination of the matter by a commission composed of their own representatives. In other words, the reference, he assumed, would be by Governments for the purpose of using this method of obtaining information and advice, which would not be of an *ex parte* character but in which all those who might be interested in the matter would have opportunity to present their facts.

He repeated that there was nothing coercive about it. It would have been futile to consider any sort of coercive arrangement. This, like everything else, ultimately depended upon the good faith of Governments in applying the principles which they professed. But with the most sincere intent there would doubtless arise situations of a more or less ambiguous character, where in entire good faith different positions might be possible, and as to which it was important that there should be some opportunity for fair consideration and report. This promised that result. In further answer to Mr. Sarraut's suggestion he wished to say this, that the more difficulty experienced in defining with precision a particular legitimate enterprise with which there was no desire to interfere, the more important it was that there should be some way of bringing out the facts and securing an impartial report as to cases of an equivocal character. In other words, instead of attempting the impossible, a superrefined definition which would attempt to give all the different categories, there would exist the machinery which would enable the powers to deal with those cases of which it was impossible to form a prejudgment by a precise definition.

Mr. Sarraut had spoken of the last paragraph, with respect to its application to existing concessions. Personally the chairman saw no objection to the paragraph in its relation to existing concessions. It spoke of an existing concession, and he understood that meant that in point of time, now or hereafter, if there should be a question regarding an existing concession and its conflict with some other concession, there would be an opportunity to see what the conflict amounted to, what the merits of it might be, and to endeavor to obtain an adjustment. Now, what was the harm in that? No power or party, was compelled to submit anything. If it was referred, no power was bound by the report. It was merely information and advice. Suppose there was an existing concession and another concession was deemed to conflict with it? What was to be done about it? What did they do now about it? Notes were written; answers were received; grounds were stated; objections were advanced in reply to those grounds, and these literary efforts went on for an indefinite

time with no results. And why were there no results? Sometimes because there was no adequate machinery to obtain results.

The chairman saw no reason why, if it was valuable, it should be said that "We will have its benefit as to concessions that exist next year but we will not have the benefit of it as to concessions that exist now." If it was a good thing with regard to a conflict of concessions for the year 1925, he thought it was a good thing with regard to a conflict of concessions, in the same way, in the year 1922.

Mr. Sarraut said that he was perfectly satisfied by the explanations given by Mr. Hughes with regard to the first two questions put by him. However, he feared that the changes proposed for Article IV might give rise to certain abuses. It was to be feared, in fact, that any contract might be questioned by the mere fact that a new contract had been granted on the same subject, possibly in bad faith, with the sole object of having a ground for contest. Of course the present Government of China could not be suspected of taking any such steps; but the Government might change. Moreover, there was mention in the first article of concessions granted by the provincial governments. Everyone knew that there were now several provincial governments which might be tempted to evade the central authority and which might purposely seek complications by questioning existing rights.

The chairman said he was very much gratified at Mr. Sarraut's acquiescence in the provisions of the resolution in the first three articles and that Mr. Sarraut had found satisfactory the explanation which he had endeavored to give upon those points.

With respect to Article IV, Mr. Sarraut's suggestions were very important, and he thought they should receive the most careful consideration. He had thought the reference to existing concessions would not have quite the effect which Mr. Sarraut seemed to anticipate. In other words, if there was an existing concession and another concession was made which was inconsistent with it, he should suppose it more likely that the attack would be made upon the latter concession than upon the former, and that instead of being regarded as a facility for attacks upon existing rights, the provision would have the effect of providing an opportunity for inquiry, consideration, and explanation.

If a concession, whether it had been granted in the past or should be granted in the future, was inconsistent with the principles of this declaration, then, of course, it did invite scrutiny. There was no reason whatever for not approaching, with absolute frankness, the consideration of this question. If there was a challenge of any existing concession on the ground that it conflicted with the principles which all had asserted, what injury could result from an inquiry the result of which bound no one; which could not derogate from any right; which could not affect any legitimate position; and which could invalidate nothing, but simply threw a flood of light upon conditions. The point to which he thought M. Sarraut's observations applied with the greatest force was not with respect to a concession that might be found to be inconsistent with the principles stated, but to the case of a concession which would appear to be inconsistent with the provisions of another concession. Whether that case should be embraced in the resolution was a matter for the judgment of the

delegates. If there were such conflict there would be difficulties in the carrying out of the concessions. There would certainly be controversies that would arise from the conflict. The question was whether it was not desirable to have some means at hand for an examination of the facts, always on the supposition that Governments dealing with the Government of China intended to be entirely fair with China, and, in their dealings, to regard each other's legitimate rights and opportunities, and to seek an amicable and fair adjustment of all difficulties that might arise.

It should also be observed that in paragraph IV, as distinguished from paragraph III, it was the parties who were to submit their questions to the board of reference. There was no compulsion upon the parties; they did not have to submit if they did not want to: there could be no impairment of any legitimate vested rights. Still, there was a facility to which, in case of conflict, they could resort in order to bring out the facts and to aid, through conciliation and examination, in bringing about, if possible, an adjustment. It was thought that would be an advantage. Still, if there was objection to that, he was entirely willing to have the paragraph modified so that the words "with those of another concession or" should be omitted, and the paragraph limited to the case where a concession appeared inconsistent with the principles of the agreement. He assumed that referred to the agreement or declaration relating to the open door, and that, with that change, it would be taken to mean that the parties that were interested in the concession and those who were interested in the maintenance of the open-door principle which was deemed to be affected in its application by the concession would be privileged to submit the matter to the board of reference.

Mr. Sarraut felt that the explanations given by Mr. Hughes with regard to the fourth article were of such a nature as to confirm his fears that existing rights might be compromised.

This would mean the introduction here, in this new sort of legislation which the committee was attempting to establish, of principles which until now had not been admitted to a recognized legal status. He meant the principle of retroactivity and the principle of revision: retroactivity, because already existing concessions, some of them of long standing, might be attacked before the proposed board. It was true that, according to Mr. Hughes' explanation, there was no question of an obligatory jurisdiction; but everyone hoped that its moral authority would be great; and in that case there would be serious inconvenience for the various parties interested if they refused to submit to investigation. Nevertheless, there was no moral force which would oblige companies with established positions to submit their cases to a new examination.

Mr. Sarraut felt that a general revision of all existing contracts was in no way justified. It was therefore necessary that the text of Article IV leave no doubt as to this point. He stated that he could not give a definite decision at the present moment, and that a more leisurely examination of the text of Article IV was called for.

The chairman said that so far as the discussion had proceeded, it seemed that the first three articles of the resolution had met with approval. He of course did not refer to any delegation that had not spoken. The fourth article of the resolution did present a distinct matter and could be dealt with as such. He then asked if

the committee desired at this time to deal with the first three articles.

Baron de Cartier said that in his opinion there was a slight obscurity in the wording of paragraph (b), Article I. The reference to the "provincial governments," he felt, might possibly be taken as a reflection on the completeness of the authority of the central Government of China; and for this reason a wording should be found conveying the same idea and yet omitting the word "provincial," to which he objected.

The chairman said that, of course, this was intended to refer to those transactions which would have to do with political subdivisions, not in any sense to any opposition to the central Government. There were matters which had exclusive relation to provincial governments. There were categories of public enterprise which were under the supervision of provincial governments with respect to which the nationals of the interested powers might have concern, and it was rather difficult, in carrying out the principles under discussion, to take no cognizance of that sphere of local activity which might have a very important relation to the open door.

Sir Robert Borden suggested that perhaps "provincial authority" might be substituted.

Baron de Cartier said he preferred that.

The chairman agreed.

Baron de Cartier said he did not like the word "provincial," but that "local authorities" would be agreeable.

This phrase was substituted for "provincial government."

Baron Shidehara stated that so far as he had been able to examine the draft he found himself in accord with the general principles embodied in it. In view, however, of the great importance of the subject, he desired to be given a little more time to study it before any action was taken on the draft.

The meeting then adjourned until January 18, 1922, at 11 o'clock a. m.

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## TWENTIETH MEETING—WEDNESDAY, JANUARY 18, 1922, 11 A. M.

### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. Tilmont.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. Yen, Mr. King, Mr. Zee, Mr. M. T. Z. Tyau.

*France.*—Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Touzet, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Saito.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general. Accompanied by Mr. Cresson, Mr. Osborne, and Mr. Wilson. Mr. Camerlynck, interpreter.

The twentieth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room, Pan American Union Building, on Wednesday, January 18, 1922, at 11 a. m.

There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. de Warzee, Mr. Tilmont; for the British Empire, Sir Maurice Hankey. Sir H. Llewellyn Smith, Mr. Lampson; for China, Mr. Yen, Mr. King, Mr. Zee, Mr. M. T. Z. Tyau; for France, Mr. Kammerer, Mr. Touzet, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Saito; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino. The secretary general, assisted by Mr. Cresson, Mr. Osborne, and Mr. Wilson, was present. Mr. Camerlynck, as interpreter, was also present.

The chairman, Mr. Hughes, suggested that the committee continue the discussion of the proposed resolution in regard to the open door in China.

Baron Shidehara said that, with reference to Section III of the draft resolution, it appeared that the constitution of the board of reference was to be framed by the special conference on Chinese customs duties. He knew that it was premature at this moment to discuss details of such organization but he would like to form a general idea of what that board of reference would be. Judging by the nature of the questions to be dealt with, Baron Shidehara presumed that each of the nine governments would have to appoint as members of the board some of their ablest and broadest minded jurists, upon whose judgment their own and the other interested governments could rely. As the board of reference was to be of a permanent nature, these jurists would either have to stay in China indefinitely or they would have to be sent to China each time questions within the competence of the board came up for consideration and examination. Apart from the question of expense to the nine governments for the maintenance of the board, it had occurred to Baron Shidehara that it might be difficult from a practical standpoint for these govern-

ments to spare able and first-rate jurists who would accept the post in question under these conditions. If jurists of such qualification could not be spared, the consequence would only be disappointing. He thought perhaps this practical side of the question had already been considered by the chairman and he would be happy if the chairman would inform the committee of his views in regard to it.

Sir Auckland Geddes said that this question of the board of reference raised by Baron Shidehara was one which the British Empire delegation had thought over, before he had ventured to suggest, two days before, that some form of machinery be established. The idea that the British Empire delegation had in mind about this machinery was something of this sort: That the actual board of reference should be composed of jurists, but that it would not be necessary for all the powers' representatives to attend all the meetings of the board. The British Empire delegation conceived of this machinery somewhat in this way: That every power should nominate to a panel jurists of eminence and distinction, and that from that panel there should be drawn two, three, four, whatever number was required, to form the board which was actually to consider any special case brought before it. For example, it might be possible for justices at Shanghai or Hongkong to be on the panel of the board of reference as the British representatives. If an occasion in which Britain was concerned arose, or one in which under the adopted scheme a British justice would sit upon the board of reference, one of these distinguished jurists would be called to take his turn on the board. He thought that possibly a scheme worked out by the conference, which was to be responsible for its preparation, might follow some such lines as these.

There would be this panel of jurists and it might be arranged that any inquiry should be dealt with by a small board, say with a representative of each of the countries concerned, with perhaps a neutral chairman selected from the panel. It seemed to him that in some such way, without great expense, without keeping eminent and distinguished jurists in China for long periods, during which they might have nothing or perhaps little to do, it would be possible to get some such machinery set up in a cheap, simple, and effective way.

These were ideas which had passed through his mind before he made public the suggestion that there might be some machinery devised. He did not know whether his ideas agreed with those of any of the other delegates at this conference; he had merely ventured to give them expression as a preliminary indication of one way in which the board of referees might be created. He was sure there were numerous equally good if not better plans possible. He merely wished to make it plain that there was no insuperable difficulty attaching to the proposal which had been brought before the committee.

Before he sat down, there was, he said, one other thing in this resolution that he thought it might be well to say a few words about. Already the question had been raised as to whether this resolution, if it was adopted and became operative, would exclude from all action such a body as a consortium, and he would like to have recorded upon the minutes these words:

"Of course it is clearly understood that there is nothing in this resolution which affects, one way or the other, the existing inter-



national consortium or any other form of voluntary cooperation among private financial or industrial groups in different countries, which may join together in a manner not involving monopoly or infringement of the principles recognized by the conference in order to furnish China with some essential service most efficiently and economically to be provided by united effort."

Baron Shidehara said that, so far as the British Empire was concerned, there seemed to be, as Sir Auckland Geddes had just explained, no practical difficulty to carrying out the plan for the constitution of the Board of Reference, but Baron Shidehara thought that there might be difficulties as concerned some of the other interested powers. It was not his intention to raise any objections to the organization of the board; he simply desired to point out the difficulties to be expected.

The chairman said that it was provided in Article III of the proposed resolution that the detailed scheme for the constitution of the board should be framed by the special conference to which Article I of the covenant on Chinese customs duties referred.

He assumed that that special conference would give the closest consideration to the questions which had been raised by Baron Shidehara, and other questions that would relate to the constitution of the board. He felt, however, that such matters would not present insuperable difficulties. It would require close attention to avoid unnecessary inconvenience, but as Sir Auckland Geddes had pointed out, there could be immediately suggested some measures of a practical sort by which the object could be attained.

The chairman wished to say, in order to avoid any possible misapprehension, that Sir Auckland Geddes's statement with regard to the consortium was in entire accord with the views which the American delegation entertained. The resolution was not in any way intended to interfere with the operation of the consortium, which in its provision for cooperative effort would not in any way infringe the principles adopted by the conference.

The chairman then asked if the committee desired to proceed with the discussion of the resolution.

Baron Shidehara asked if he might be permitted to make a few remarks in regard to Article IV. One point had already been raised by the French delegation, but he did not know what plans of revision the French delegation had in mind. He was glad to say, as the chairman had very properly remarked the previous day, that the principle of "the open door" was not a new invention; it had been adopted and confirmed in various treaties and arrangements; but it must be noted that the principle had undergone considerable changes in its application since it had originally been initiated by Secretary Hay in 1898. It was then limited in its scope, both as concerning its subject matter and the area of Chinese territory to which it applied; it simply provided, in substance, that none of the powers having spheres of influence or leased territories in China should interfere with treaty ports or with vested rights or exercise any discrimination in the collection of customs duties or railroad or harbor charges. The principles formulated in the draft resolution was of an entirely different scope from the policy of "the open door" as conceived in 1898-99; the draft resolution gave, in a certain sense, a new definition to that policy.

It seemed natural, therefore, that this new definition should not have any retroactive force. According to Section IV, it appeared as if the concessions already granted by China would be subject to examination in the light of this new agreement. If that were the case, it seemed probable that this agreement would affect private parties unfairly, and Baron Shidehara would therefore like to suggest that the wording of Section IV be changed somewhat in order to meet this situation. His suggestion would take the form that Section IV be changed to read as follows:

"IV. The powers, including China, represented at this conference agree that if any provisions of a concession which may hereafter be granted by China appear inconsistent with those of another concession or with the principles of the above agreement or declaration they may be submitted by the parties concerned to the board of reference when established for the purpose of endeavoring to arrive at a satisfactory adjustment on equitable terms."

The chairman said that he was gratified at what he understood to be the appreciation by Baron Shidehara of the purpose and scope of the open-door policy, certainly as at present understood. In view of what Baron Shidehara had said with regard to the original scope of that policy, the chairman hoped the delegates would permit him to refer to some of the international documents bearing upon that subject.

It was quite true that in the original statement of the policy by Secretary Hay there were specific points mentioned. It was also true that the bearing of those points and the intent of the policy were very clearly presented. The general purpose in view and the real meaning of the open-door policy were indicated in the communications addressed to the several governments under instructions from Secretary Hay.

The chairman then read the communication of Mr. Choate, Ambassador to the Court of St. James, to Lord Salisbury at London, September 22, 1899, upon this point, as follows:

"He (the President) understands it to be the settled policy and purpose of Great Britain not to use any privileges which may be granted to it in China as a means of excluding any commercial rivals, and that freedom of trade for it in that Empire means freedom of trade for all the world alike. Her Majesty's Government, while conceding by formal agreements with Germany and Russia the possession of 'spheres of influence or interest' in China, in which they are to enjoy especial rights and privileges, particularly in respect to railroads and mining enterprises, has at the same time sought to maintain what is commonly called the 'open-door' policy, to secure to the commerce and navigation of all nations equality of treatment within such 'spheres.' The maintenance of this policy is alike urgently demanded by the commercial communities of our two nations, as it is justly held by them to be the only one which will improve existing conditions, enable them to maintain their positions in the markets of China, and extend their future operations.

"While the Government of the United States will in no way commit itself to any recognition of the exclusive rights of any power within or control over any portion of the Chinese Empire, under such agreements as have been recently made, it can not conceal its apprehension that there is danger of complications arising between

the treaty powers which may imperil the rights to the United States by its treaties with China.

"It is the sincere desire of my Government that the interests of its citizens may not be prejudiced through exclusive treatment by any of the controlling powers within their respective 'spheres of interests' in China, and it hopes to retain there an open market for all the world's commerce, remove dangerous sources of international irritation, and thereby hasten united action of the powers at Peking to promote administrative reforms so greatly needed for strengthening the Imperial Government and maintaining the integrity of China, in which it believes the whole western world is alike concerned."

The chairman, continuing, said that it was for that purpose that Secretary Hay instructed the ambassadors and ministers of the United States to obtain, if agreeable to other powers, declarations with respect to the treatment of foreign trade and commerce, especially from those powers claiming spheres of interest in China. Lord Salisbury replied to Mr. Choate in the effect that he would consult with his colleagues, and added, in his communication of September 29, 1899:

"In the meantime I may assure Your Excellency that the policy consistently advocated by this country is one of securing equal opportunity for the subjects and citizens of all nations in regard to commercial enterprise in China, and from this policy Her Majesty's Government have no intention or desire to depart."

Later, Lord Salisbury had written:

"I have much pleasure in informing Your Excellency that Her Majesty's Government will be prepared to make a declaration in the sense desired by your Government in regard to the leased territory of Weihei Wei and all territory in China which may hereafter be acquired by Great Britain by lease or otherwise, and all spheres of interest now held or that may hereafter be held by her in China, provided that a similar declaration is made by other powers concerned."

On December 16, 1899, the French Minister of Foreign Affairs addressed a communication to the American ambassador at Paris in which he said:

"\* \* \* The declarations which I made in the chamber on the 24th of November last, and which I have had occasion to recall to you since then, show clearly the sentiments of the Government of the Republic. It desires throughout the whole of China and, with the quite natural reservation that all the powers interested give an assurance of their willingness to act likewise, is ready to apply in the territories which are leased to it, equal treatment to the citizens and subjects of all nations, especially in the matter of customs duties and navigation dues, as well as transportation tariffs on railways."

The chairman then said that the representatives of the United States communicated to all the Governments concerned in the same sense in which Mr. Choate communicated with Lord Salisbury in what had already been read. And in his reply to this, on December 26, 1899, the Japanese Minister of Foreign Affairs stated to the American minister:

"I have the happy duty of assuring Your Excellency that the Imperial Government will have no hesitation to give their assent to so just and fair a proposal of the United States, provided that all the other powers concerned shall accept the same."

The Italian Government stated, through the Italian Minister of Foreign Affairs, in his note of January 7, 1900:

" \* \* \* I take pleasure in saying that the Government of the King adheres willingly to the proposals set forth in said note of December 9th. \* \* \*"

While it was quite true, the chairman continued, that Secretary Hay had presented in his proposals certain definite points, yet having received these replies, Secretary Hay in his instructions of March 20, 1900, to the representatives of the United States of America accredited to the six governments consulted, summed up the matter as follows:

"The \_\_\_\_\_ Government having accepted the declaration suggested by the United States concerning foreign trade in China, the terms of which I transmitted to you in my instruction No. \_\_\_\_\_ of \_\_\_\_\_, and like action having been taken by all the various powers having leased territory or so-called 'spheres of interest' in the Chinese Empire, as shown by the notes which I herewith transmit to you, you will please inform the Government to which you are accredited that the condition originally attached to its acceptance—that all other powers concerned should likewise accept the proposals of the United States—having been complied with, this Government will therefore consider the assent given to it by \_\_\_\_\_ as final and definitive.

"You will also transmit to the Minister for Foreign Affairs copies of the present enclosures, and by the same occasion convey to him the expression of the sincere gratification which the President feels at the successful termination of these negotiations, in which he sees proof of the friendly spirit which animates the various powers interested in the untrammelled development of commerce and industry in the Chinese Empire, and a source of vast benefit to the whole commercial world."

It was therefore quite manifest, the chairman said, that while Secretary Hay presented certain definite points in the proposal he made, he made it clear what was the scope and purpose of the policy that he advocated.

The chairman added that on October 16, 1900, an agreement relating to China was concluded between Germany and Great Britain in which it was stated that her Britannic Majesty's Government and the Imperial German Government being desirous to maintain their interest in China and their rights under existing treaties had agreed to observe the following principles in regard to their mutual policy in China:

"1. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries without distinction; and the two Governments agree on their part to uphold the same for all Chinese territory as far as they can exercise influence.

"2. Her Britannic Majesty's Government and the Imperial German Government will not, on their part, make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions, and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire \* \* \*."

The two Governments agreed to communicate their agreement to the other powers interested, and especially to Austria, Hungary, France, Italy, Japan, Russia, and the United States of America and to invite them to accept the principles recorded in it. That was done and their assent received. M. Dolcassé on behalf of the French Government said, October 31, 1900:

"The Government of the Republic has long manifested its desire to see China opened to the economic activity of the whole world; hence the emphatic adherence that it gave, in the month of December last, to a proposal of the Government of the United States prompted by the same preoccupation. Its feeling in that regard has not been changed."

The Italian Government said on October 22, 1900:

"\* \* \* Having taken His Majesty's orders, I am to-day in a position to inform your Excellency that the Italian Government, recognizing in the Anglo-German Agreement those same principles which rule their own policy in China, do not hesitate to give their adhesion thereto. \* \* \*"

The Japanese Government said October 29, 1900, after formal acknowledgment of the note:

"\* \* \* At the same time, in further compliance with Lord Salisbury's instructions, you requested me to inform you whether the Imperial Japanese Government are inclined to accept the principles recorded in said agreement.

"The Imperial Government, having received assurances from the contracting powers to the effect that, in adhering to the agreement in question, they will be placed in relation to such agreement in the same position they would have occupied if they had been a signatory instead of an adhering State, do not hesitate to formally declare that they adhere to the said agreement, and accept the principles embodied therein."

It would be noted, the chairman said, that those principles, as stated in the first article of the agreement between Germany and Great Britain, were that it was a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and every other legitimate form of economic activity for the nationals of all countries without distinction.

Further, in 1908, there was an exchange of notes between the Government of the United States of America and the Japanese Government in which, after appropriate recitals as to the importance of a frank exchange of views as to the aim, policy, and intention of the two Governments, it was said under date of November 30, 1908:

"1. It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.

"2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above mentioned and to the defense of the principle of equal opportunity for commerce and industry in China.

"3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.

"4. They are also determined to preserve the common interest of all powers in China by supporting by all pacific means at their dis-

posal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.

"5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take. \* \* \*"

The chairman added that these notes were exchanged between Mr. Root, as Secretary of State, and Baron Takahira, as Ambassador of Japan. In the light of these reiterated statements, which could hardly be regarded as ambiguous, the chairman could not assume that the statement of principles recorded in the resolution before the committee was a new statement. He rather regarded it as a more definite and precise statement of the principle that had long been admitted, and to which the powers concerned had given their unqualified adherence for 20 years.

In saying this, he did not wish at all to detract from the force of the statement made by Baron Shidehara, as the chairman understood it, that is, in the complete acceptance of the principle as it was here formulated. He did not desire to deal with the question which was discussed, so far as he was concerned, yesterday, with respect to the true construction and application of Article IV. He wished simply to say that he believed that this resolution in its first article stated a principle which had been operative all through the period he had named, and had been binding upon the Governments concerned, and that it was important that at this time they should have a reaffirmation of that principle—a statement of it with increased definiteness, and should devise, so far as might be practicable, some machinery for giving it effective application.

Sir Robert Borden said that the principal difficulties in connection with this resolution appeared to have arisen over the fourth article. He was of opinion that the powers concerned could act with equal effect if the fourth article were omitted altogether. Under that article there could be no effective action except with the consent of the parties concerned. If the fourth article were omitted it would still be open to the powers, if they saw fit, to give the like consent and to utilize for the determination or investigation of any relevant question the board of reference to be established under Article III.

He offered that as a suggestion which might help perhaps to bring them to an understanding and conclusion.

There was one other observation which he would like to make. He could hardly bring himself to agree that the board of reference, when constituted, should be composed of jurists. It should rather be composed of persons having a knowledge of economic conditions, a knowledge of the conditions of China and the trade of China. With all due respect to the profession of which he was a humble member it might be passed over with advantage in this connection and other persons might be selected who could accomplish the task with perhaps even a higher degree of knowledge and capacity than could be expected from members of the bar for such a purpose.

Mr. Sze asked the indulgence of the committee, on behalf of the Chinese delegation, to be permitted to add one or two words to the

discussion. Mr. Sze said he first desired to thank the chairman for his very clear and well-drawn draft resolution, and for the very lucid explanation which had accompanied his presentation of it. Mr. Sze felt equally grateful for the illuminating debate which had taken place in the committee in regard to it. The fact that the subject of "the open door" had occupied nearly three whole sessions of the committee showed that the importance of this principle had not been diminished by the passage of years.

He supposed that the committee would first like to know China's position in regard to the draft resolution. In regard to this he thought he could do nothing better than to refer to the second of the proposals presented by the Chinese delegation on November 16, namely: "China, being in full accord with the principle of the open door or equal opportunity for the commerce and industry of all nations having treaty relations with China, is prepared to accept and apply it in all parts of the Chinese Republic without exception." In this proposal the position of the Chinese delegation was put very simply and clearly, and he did not believe there was any use in his taking up the committee's time by offering any further explanation of it.

He desired, however, to say one word in regard to "the open door." The rendering of that expression into Chinese, some years ago, had given rise to some doubt in the minds of those who only read Chinese. He would, therefore, like to state that "the open door" did not mean the opening up of all parts of China to foreign trade, commerce, and industry; he only said this because of the misapprehension in the matter which had existed in China.

In regard to Article I b, his esteemed colleague, Baron de Cartier, had suggested on the previous day that the words "provincial government" be changed to "local authority." The procedure at present observed in China by the central Government with reference to concessions given by provincial authorities, he stated, would remain the same irrespective of which phrase was used, and this practice was too well known to need further elucidation.

In regard to Article III he wondered whether it would not be better to eliminate the words "in principle." If the committee reached an agreement it was probable that it would be on something definite. He only made this as a suggestion in the belief that it would make the paragraph more clear.

He had remarked a few minutes before on the great importance of the principle of "the open door," which had also been dealt with in the third of the "Root resolutions" as follows:

"To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China."

The committee would note that in this resolution—which had been accepted by all the powers represented at the table—that the words "establishing and maintaining" were used. His knowledge of English was limited, but he thought that the two words had different meanings—to establish, meaning to create, and to maintain, meaning to continue in operation; taken together, these two undertakings could mean nothing else than the bringing into existence of a régime under which the principles of the "open door" could be effectually applied.

It therefore seemed that Section IV of the draft resolution could safely be adopted. Questions in regard to concessions had arisen in the past and would doubtless arise in the future. If questions should arise in the future it would be better, as the chairman had remarked, that the negotiations among the powers should not be confined to diplomatic notes; it would do no harm to either party in such a dispute to have it referred to a friendly body such as was provided for in Section IV for adjustment.

The chairman stated that a proposal had been made by Baron Shidehara for an amendment to Article IV and a further proposal by Sir Robert Borden for the omission of Article IV. In order that they might proceed, without, of course, desiring to limit discussion, as rapidly as possible, he asked whether they desired to indicate their preference with respect to Sir Robert Borden's suggestion as to the omission of Article IV.

Mr. Sarraut suggested that Sir Robert Borden's proposal be voted on first.

The chairman answered that that had been the intention of his suggestion, and he was asking for an expression of views before bringing the matter to a vote.

Baron Shidehara stated that Japan was in favor of eliminating Article IV.

The chairman said that it seemed to him that in view of the expressions which had been made and the fact that Article III gave a full opportunity for dealing with all these matters which might appropriately be the concern of the respective Governments, it possibly would induce agreement if they omitted Article IV in accordance with Sir Robert Borden's suggestion. That seemed to be agreeable to the Japanese Government and to the French Government, and he was asking informally the views of others before proceeding to take the vote.

Senator Schanzer agreed.

The chairman continued with a suggestion that it might be better to withdraw Article IV from the resolution. If any delegate desired to press it separately for consideration, of course opportunity would be given; but in order to facilitate discussion and bring the matter to an agreement if possible, Article IV might now be withdrawn and the three articles of the resolution be presented for consideration and action. He asked if the delegates were ready to vote upon the three articles.

Mr. Hanihara said that under Section III of the draft resolution the constitution of the board of reference would, of course, be subject to the approval of the respective Governments. He would think that some specific instruction to the special conference would be necessary in connection with the constitution of the board. He asked whether the chairman had in mind anything in regard to this point—whether he thought that this conference might do it or that some one Government might be asked to do it.

The chairman said that the purpose of Article III of the resolution was to set forth the function in general terms of the proposed board and to provide an arrangement through which it might be constituted. It would be constituted under this arrangement at a special conference at which there would be representatives of all the contracting powers. He assumed that each power would instruct its



representative with respect to its general ideas of the manner in which such a board should be constituted. He supposed the representatives of the powers would gather together and exchange their views. Their conclusions would be reported to their Governments, and in the usual way, out of such comparison of views and under instructions from their Governments and subject to the final approval of their Governments, a scheme would emerge which would carry out the intent of the resolution.

It would hardly seem to be practicable in this conference to undertake that work, because it was of a very special and detailed character. On the other hand, as he read the resolution, there was no doubt as to the purpose in view and the general scope of the proposition.

Baron Shidehara said that if he correctly remembered Mr. Balfour's remarks on the previous day, the latter had pointed out that there were certain concessions which carried with them rights of the nature of monopoly to a limited extent. He said that it was his understanding that these rights would be protected under the last paragraph of Article I. He desired to know if this view were correct.

The chairman said that, as he understood it, the concluding paragraph of Article I of the resolution was intended to protect the particular commercial, industrial, or financial undertakings which might be prosecuted consistently with the maintenance of the general principle which was stated in paragraphs (a) and (b). Paragraph (b) referred to such undertakings which, by reason of their scope, duration, or geographical extent, were calculated to frustrate the practical application of the principles of equal opportunity.

As he had explained the day before, they were dealing with the open door, an avenue to opportunity, an avenue to legitimate enterprise—and not with obstacles to legitimate enterprise; and all that was embraced in the various undertakings which, to the extent of the particular rights essential to their prosecution, of course monopolized a special line of endeavor in a concrete or particular case, were amply protected by the last clause of the first article. The purpose was, however, to safeguard the principle, so that under the guise of particular undertakings there should not be any assertion of a general superiority of right or a monopoly or preference which would be in conflict with the principles to which the powers represented on the committee adhered.

Baron de Cartier asked if, in view of the proposed withdrawal of Article IV, there would be any change in the declaration made by Sir Auckland Geddes concerning the Consortium.

The chairman asked if the reference to the consortium was meant.

Baron de Cartier having confirmed this, the chairman continued, saying that the reference made was to the consortium, and the adoption of this resolution would in no way interfere with the activities of the consortium, which, for the purpose of helpful cooperation, were entirely consistent with the principles declared.

The chairman added that there were two verbal amendments, one at the last meeting suggested by the Belgian ambassador, that in place of the words "provincial government" in paragraph (b) of Article I should be inserted the words "local authority." He understood that that amendment was adopted with the consent of all.

The other amendment was the one suggested at the present meeting with respect to Article III, and that was the omission of the words "in principle."

He added that he would like to say a word with reference to that. There were many cases in which the use of the words "in principle," which had the sanction of abundant usage, might be taken to detract from the force of any specific statement embodying the principle. He said that in this particular case, however, the whole statement was a statement of a principle. In other words, there was no attempt to prescribe details, and his own opinion was that whether the words "in principle" were in or out, the article meant exactly the same; so with the permission of Mr. Sze and that understanding, in order to avoid unnecessary discussion, he would suggest putting the three articles to a vote with the one amendment of the insertion of "local authority" in place of "provincial government."

The chairman inquired if the committee were ready to vote, and announced that the United States Government assented.

Baron de Cartier, on behalf of the Belgian delegation, assented.

Mr. Balfour, on behalf of the British Empire delegation, assented.

Mr. Sze said that when it was proposed that Section IV should be withdrawn, he understood from the remarks of the chairman that this did not in any way limit the right of any delegation to bring up the substance of this section at a later time in some other form or connection.

The chairman said that Mr. Sze's understanding was correct.

Mr. Sze said that with this reservation he would vote "yes."

The chairman said that Article IV has been withdrawn in the interest of proceeding to an agreement upon the articles which apparently the committee was ready to adopt. Any delegation was at liberty to bring forward Article IV in substance or in any other way it might desire.

The remaining delegations assented.

The chairman declared that the three articles were unanimously adopted as follows:

#### "THE OPEN DOOR IN CHINA.

“(Revised draft of resolution.)

“1. With a view to applying more effectually the principles of the open door or equality of opportunity in China for the trade and industry of all nations, the powers other than China represented at this conference agree:

“(a) Not to seek or to support their nationals in seeking any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

“(b) Not to seek or to support their nationals in seeking any such monopoly or preference as would deprive other nationals of the right of undertaking any legitimate trade or industry in China or of participating with the Chinese Government or with any local authority in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

"It is understood that this agreement is not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial or financial undertaking or to the encouragement of invention and research.

"II. The Chinese Government takes note of the above agreement and declares its intention of being guided by the same principles in dealing with applications for economic rights and privileges from governments and nationals of all foreign countries whether parties to that agreement or not.

"III. The powers, including China, represented at this conference agree in principle to the establishment in China of a board of reference to which any question arising on the above agreement and declaration may be referred for investigation and report.

(A detailed scheme for the constitution of the board shall be framed by the special conference referred to in Article I of the Convention on Chinese Customs Duties.)"

The chairman then suggested that, if it were desired by any delegate at this time to bring forward Article IV, it could be dealt with at once.

Mr. Sze said that in view of the fact that time was limited, he asked the chairman to extend the right just mentioned by him of bringing up the substance of Article IV at a later time.

The chairman assented.

The chairman said that there was one subject which might possibly be dealt with in the short time left before adjournment. With the reservation which had been made, the committee would approach, as the next subject on the American agenda, the matter of railways in China, including the specific matter of the Chinese Eastern Railway.

He added that he did not intend to review the history of that enterprise. He assumed that it was familiar to all, and that each delegate had before him or at his command the documentary history of the Chinese Eastern Railway. The members of the committee were probably conversant with the problems before them in relation to the proper and efficient management of that important line of communication. These problems concerned finance, the form of management and efficiency of management. So far as the United States of America was concerned, there was but one interest and that was that the railroad should be maintained as an artery of commerce, with free opportunity to all and unfair discrimination against none.

He stated that the United States Government had no interest whatever in the ownership and had no desire to secure control. They wished merely to do anything within their power to promote the proper conduct of that road, as one of the greatest instrumentalities of commerce in the East.

The subject was so difficult, there were so many different angles that had to be carefully considered, and the project and the relations of both Russia and China to it were such that he did not think, speaking for himself personally, that the matter could profitably be discussed in the committee at this time. It seemed to him that such a discussion would almost necessarily involve a detailed consideration of history and of documents and interests without dealing with the point of the immediate requirements by reason of the existing conditions in that part of the East.

The chairman therefore suggested that a subcommittee of experts be appointed, drawn from technical advisers of the various delegations, or with such representatives of the powers as might be deemed fitting by each, to consider at once whether there was anything that could be done at this conference which would aid in promoting the efficiency of that railroad and its proper management. His thought would be that these experts would be already familiar with the history of the road; they would know all about the exigency which the committee had to meet, and they could, by interchange of views, bring before the committee, if anything was practicable, something concrete far more readily than could be developed in a discussion now. This, of course, would not preclude any discussion later in the light of such report as the subcommittee might make.

The chairman asked whether that suggestion met with the approval of the delegates.

Mr. Hanihara said that, according to the chairman's suggestion, all the nine powers were to be represented on this subcommittee of experts. He did not wish to enter into any argument on the subject but it seemed to him that some of the nine powers were not interested in the Chinese Eastern Railway. He brought up this point only because he wished to facilitate matters.

The Chairman said that he was quite conscious of the fact brought out by Mr. Hanihara, but he thought that none should be excluded from the opportunity to give the committee the aid of their suggestions. The situation was a very difficult one, and if they could generate any thought that would be helpful he believed the committee as a whole would be indebted to them.

The suggestion was unanimously adopted.

The chairman said that before adjourning an opportunity would be given to offer resolutions relating to the subject of railroads, which might be circulated and be the subject of consideration at the next meeting.

Baron Shidehara said there was a question he wished to raise in connection with the matters discussed relating to the "open door." He then made the following statement:

"The Japanese delegation understands that one of the primary objects which the present conference on Far Eastern questions has in view is to promote the general welfare of the Chinese people and, at the same time, of all nations interested in China. For the realization of that desirable end, nothing is of greater importance than the development and utilization of the unlimited natural resources of China.

"It is agreed on all sides that China is a country with immense potentialities. She is richly endowed by nature with arable soil, with mines and with raw materials of various kinds. But those natural resources are of little practical value so long as they remain undeveloped and unutilized. In order to make full use of them, it seems essential that China shall open her own door to foreign capital and to foreign trade and enterprise.

"Touching on this subject, Dr. Sze, on behalf of the Chinese delegation, made an important statement at the full committee on November 16, declaring that 'China wishes to make her vast natural resources available to all people who need them.' That statement

evidently represents the wisdom and foresight of China, and the Japanese delegation is confident that the principle which it enunciated will be carried out to its full extent.

"It is to be hoped that, in the application of that principle, China may be disposed to extend to foreigners, as far as possible, the opportunity of cooperation in the development and utilization of China's natural resources. Any spontaneous declaration by China of her policy in that direction will be received with much gratification by Japan and also, no doubt, by all other nations interested in China. Resolutions which have hitherto been adopted by this committee have been uniformly guided by the spirit of self-denial and self-sacrifice on the part of foreign powers in favor of China. The Japanese delegation trusts that China, on her part, will not be unwilling to formulate a policy which will prove of considerable benefit, no less to China herself than to all nations."

The chairman asked whether it was desired at that time to present resolutions which might be distributed, on the subject of railways in China.

Sir Auckland Geddes said that there was a resolution which he would like to introduce the following day or at the next meeting, dealing with the question centering on the railways in China.

The very important question of the open door had been dealt with that morning, and from the door the avenue leading in was becoming more and more an avenue of railroads. It was, he believed, to the common interest of all countries that there should be equality of treatment for the trade and commerce of all nations upon these railways, so he ventured to bring before the committee the following resolution, which in the first part takes the form of a statement by China, and in the second part the form of an agreeing or adhering statement by the other powers:

"The Chinese Government declares that throughout the whole of the railways in China it will not exercise or permit any discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

"The other powers represented at this conference take note of the above declaration and make a corresponding declaration in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement, or otherwise.

"Any question arising under this declaration may be referred by the powers concerned to the board of reference, when established, for consideration and report."

Sir Auckland Geddes continued that he would like to add two or three words, to say that he was aware that it was the existing practice of the Chinese Government not to exercise or permit any discrimination on the railways under their control and that he thought that it was the best practice of railway policy in all the countries.

He then stated that, with the permission of the chairman, the British delegation would move the resolution on the following day.

The chairman said that the resolution would be circulated and presented for discussion at the next meeting.

The chairman added that it was manifest that the development of railways in China was a subject most intimately and directly associated with the prosperity of the country, and that it might be possible that, in showing interest in the future development of China, the conference might desire to indicate a general policy as to railway operations in the future. To bring the matter before the conference, merely for the purpose of indicating an attitude and point of view and general policy, he would present the following resolution for consideration:

"The powers represented in this conference record their hope that to the utmost degree consistent with legitimate existing rights, the future development of railways in China shall be so conducted as to enable the Chinese Government to effect the unification of railways into a railway system under Chinese control, with such foreign financial and technical cooperation as may prove necessary in the interests of that system."

The chairman then stated that the resolution would be circulated and presented for discussion after the resolution proposed by Sir Auckland Geddes has been dealt with.

Baron Shidehara asked whether his proposal might be considered later if the Chinese delegation were not prepared to discuss it that day.

The chairman said that he presumed that the matter presented by Baron Shidehara would be regarded as before the committee, that there would be full opportunity for the Chinese delegation at another meeting to present views upon the question, and that the question, which was a very important one, would have full consideration by the committee and could be discussed by the Japanese delegates and others as might be desired.

The following subcommittee of technical advisers on the Chinese Eastern Railway was appointed: Mr. D. C. Poole, chairman, United States; Mr. Lemaire de Warzee, Belgium; Mr. M. W. Lampson, British Empire; Dr. Hawking Yen, China; Count Emilio Pagliano, Italy; Mr. Matsudaira, Japan; Mr. de Kat Angelino, Netherlands; Capt. E. de Vasconcellos, Portugal.

The committee then adjourned until the following morning, January 19, 1922, at 11 o'clock.

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#### TWENTY-FIRST MEETING—THURSDAY, JANUARY 19, 1922, 11 A. M.

##### PRESENT.

*United States.*—Mr. Hughes, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray, Mr. Williams.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. Tilmont, Mr. Silvercray.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Christie.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. M. T. Z. Tyau, Mr. T. C. Yen, Mr. C. Zee.

*France.*—Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Touzet, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi Ricci. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Kanai, Mr. Sawada.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

The secretary general, accompanied by Mr. Pierrepont and Mr. Osborne.

Mr. Camerlynck and Mr. Talamon, interpreters.

1. The twenty-first meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Union Building, on Thursday, January 19, 1922, at 11 a. m.

2. There were present: For the United States, Mr. Hughes, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Rolandi Ricci; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray, Mr. Williams; for Belgium, Mr. de Warzee, Mr. Tilmont, Mr. Silvercrucys; for the British Empire, Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Christie; for China, Mr. M. T. Z. Tyau, Mr. T. C. Yen, Mr. C. Zee; for France, Mr. Kammerer, Mr. Touzet, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Kanai, Mr. Sawada; for the Netherlands, Jonkheer van Starckenborgh, Mr. de Kat Angelino.

The secretary general, assisted by Mr. Pierrepont and Mr. Osborne, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

4. The chairman (Mr. Hughes) said that the committee would consider the resolution offered by Sir Auckland Geddes with relation to railways in China. The resolution was before the committee in text, he believed, and provided broadly against discrimination and for the reference of questions which might arise to the board of reference. He assumed that it was not necessary to read it.

5. Sir Auckland Geddes said that the resolution which he had the honor to lay before the committee was, as he had stated the day before, rather unusual in its form. In consequence, he did not move it simply as circulated. What he moved was "That it is desirable that a provision to the following effect be in the conventions on the open door in China:" and then the text as it stood.

On looking over this resolution carefully, and having had the advantage of criticism from some of the delegates present, he had to

suggest that words be inserted in the text as circulated, in the second line, so that it should read:

"The Chinese Government declares that, throughout the whole of the railways in China, it will not exercise, or permit, any unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or facilities \* \* \*" and so on.

In moving this resolution, the British Empire delegation were, of course, animated by the desire to make the open-door policy effective. They believed that a resolution in this sense, if adopted and approved by the powers, would go far to make the open door a reality.

He wished to add there was no suggestion whatever that China's Government policy with regard to the railways had included any policy of discrimination on any ground. He wished to make that quite clear, and therefore repeated what he had said yesterday.

The British Empire delegation believed that if there were somebody—they suggested the board of reference—before which claims or appeals could be taken, there would grow up, rapidly and effectively, a policy of absolute fairness and equality with regard to all transportation facilities on the railways throughout China.

They considered that the board of reference, which they had proposed in connection with the general policy of the open door, would be the most satisfactory, the most natural, and the most convenient body before which to have these cases, if any should arise, of alleged discrimination investigated and definitely settled. Accordingly he had the honor to move: "That it is desirable that a provision to the following effect be in convention on the open door in China." He then read the text of the resolution with the small amendments he had already brought to the notice of the committee.

6. Mr. Sze said that the Chinese delegation had noted with great interest the proposal made by Sir Auckland Geddes. In regard to the first paragraph he desired to say that it had always been the policy of the Chinese Government—a policy that was well known and the whole idea of which was to develop foreign trade—to welcome foreign shippers or passengers and to afford them equal treatment, and he wished to add that there had never been a single complaint by any shipper of unfair treatment or discrimination. This policy had proved to be the best policy, and it was still the wish of the Chinese Government to foster foreign trade.

He noted that while the Chinese Government made a certain declaration in the resolution, the other powers made a similar declaration.

In regard to the third paragraph he hoped that there would be no occasion to resort to it as all the powers represented on the committee were anxious that trade in the Far East should be on a fair and equitable basis; occasions might, however, arise when it would prove useful. He suggested one small amendment, namely, the insertion of the words "any of" before "powers."

He wished to mention in this connection, in order that any possible future misunderstanding might be avoided, that in giving assent to the first paragraph of the resolution China reserved to herself the sole right to classify the rates on any of her railways.



7. The chairman said he understood that there was nothing in this resolution which affected the authority to classify rates.

8. Mr. Sze said that he wished to avoid any question arising in the future and to assure the continuance of the right of the Chinese Government to classify railway rates.

9. The chairman explained that it was understood to be the sense of this resolution that there was no impairment whatever of the power of China to classify rates, subject simply to the qualification—with the explanation that it was not suggested on the basis that China had hitherto acted in a discriminating way—that there should be no unfair discrimination of any kind and particularly no discrimination on the basis stated in the resolution.

10. Baron Shidehara inquired if it was understood that the classification of freight rates should not be made in such a way as to entail any discrimination for or against different Governments or their nationals.

11. The chairman answered that it was understood that the classification of rates would not be made in such a way as to permit any unfair discrimination of any kind, or, in particular, any discrimination, directly or indirectly, on the ground of the nationality of the passengers, the country to which they were proceeding, or the origin or ownership of goods or the country from which or to which they were consigned, or the nationality or ownership of the ship, etc., as stated in the resolution.

He then asked for further discussion on the resolution.

12. Baron Shidehara stated that the Japanese delegation cordially shared in this resolution; that it was entirely in line with the principle of the open door in China that was accepted at the previous meeting. The wording, he thought, was admirable. It gave the Japanese delegation great pleasure to accept the resolution.

13. The chairman then put the question to vote and the resolution was unanimously adopted as follows:

“That it is desirable that a provision to the following effect be in the convention on the open door in China:

“The Chinese Government declares that throughout the whole of the railways in China, it will not exercise or permit any unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

“The other powers represented at this conference take note of the above declaration and make a corresponding declaration in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement, or otherwise.

“Any question arising under this declaration may be referred by any of the powers concerned to the board of reference, when established, for consideration and report.”

14. The chairman then read the next resolution which was presented for action, as follows:

"The powers represented in this conference record their hope that, to the utmost degree consistent with legitimate existing rights, the future development of railways in China shall be so conducted as to enable the Chinese Government to effect the unification of railways into a railway system under Chinese control, with such foreign financial and technical cooperation as may prove necessary in the interests of that system."

This resolution was indicative, he said, of a general policy to aid in the maintenance of a strong and stable administration in China, and of suitable control of the facilities essential to such an administration and to the prosperity of the people. Of course, it did not suggest the slightest interference with any legitimate existing rights.

15. Mr. Sze stated with reference to the resolution now before the committee he wished to state the position of the Chinese delegation, and he would therefore read the following statement:

"The Chinese delegation notes with sympathetic appreciation the expression of the hope of the powers that the existing and future railways of China may be unified under the control and operation of the Chinese Government with such foreign financial and technical assistance as may be needed. It is our intention as speedily as possible to bring about this result. It is our purpose to develop existing and future railways in accordance with a general program that will meet the economic, industrial and commercial requirements of China. It will be our policy to obtain such foreign financial and technical assistance as may be needed from the powers in accordance with the principles of the open door or equal opportunity; and the friendly support of these powers will be asked for the effort of the Chinese Government to bring all the railways of China, now existing or to be built, under its effective and unified control and operation."

In regard to the wording of the resolution the Chinese Delegation had no suggestions to offer; but they had one suggestion which would in no way change the meaning of the resolution and was made only with the desire to facilitate its rendering into the Chinese language, namely, that the word "cooperation" in the next to the last line should be changed to "assistance." He hoped that this change would be agreeable to the chairman.

16. The chairman said that was quite agreeable, and that the amendment was accepted. He then asked if there was a desire for further discussion. Since there was not, the committee proceeded to vote on the resolution, and it was unanimously adopted.

17. The chairman then asked if any subcommittee was ready to report, or if any of the matters which had been referred were ready for submission to the committee. He had been informed by the secretary-general that the committee of experts designated to act in relation to the matter of the Chinese Eastern Railway were to have a meeting late that afternoon. Awaiting that report, the committee might proceed to the next topic upon the agenda: The status of existing commitments in relation to China.

The chairman said that it would be of service if they had a very clear understanding, when the conference ended, of the commitments which were claimed to exist with respect to China. It would be of great aid if it should be understood that the powers represented at the conference had full knowledge of all commitments which might thereafter be asserted, or said to exist, and opportunity was now

afforded for presentation of these commitments, and for any discussion such presentation might suggest.

18. Mr. Koo said that he wished to make a few observations with reference to the status of existing commitments in regard to China. It was known to his colleagues that the commitments entered into by China were very numerous, and this fact made it not only desirable but necessary that all the powers represented on the committee should know the exact situation not only in which China stood but the situation in which the powers related to those commitments stood.

He had three suggestions to make, the first of which was that all the powers who had any claim or claims on China should make them known; it was desirable, in the opinion of the Chinese delegation, that the principle of publicity should be applied to the international commitments with reference to China. It was not necessary for him to dwell upon the principle of publicity with regard to international agreements; one of the points adopted by all the powers participating in the peace conference at Paris, as a basis of discussion and settlement, was that of open covenants. It was also unnecessary for him to call the attention of the committee to the fact that article 18 of the Covenant of the League of Nations provided that all international engagements should be registered and that, were they not so registered, they should be considered invalid. He referred to these points only in order to show that the general consensus of opinion regarded the principle of publicity for international engagements as a sound and useful one. There were particularly urgent grounds for observing the principle in regard to China. When to the fact of the existence of such a large number of commitments in regard to China was added the fact that many of these commitments were entered into under very uncertain circumstances—in some cases claims had been based on the letters or the verbal statements of a single Chinese official, not even of the central Government—the necessity would readily be seen for clearing up the question of exactly where China and the treaty powers stood.

So long as any international engagement was kept secret, it was bound to give rise either to speculation or suspicion. If nothing was known concerning it, the situation would not be less unsatisfactory since other powers might unwittingly adopt policies which ran counter to such secret engagements. If it was merely suspected that a commitment existed, the others powers were likely to adopt policies aimed at counteracting the apprehended effect of such secret agreement on their own interests.

From still another point of view it was very desirable that the international commitments of and relating to China should be known, for without such knowledge it would be difficult for China either to satisfy claims based upon such engagements, or to contest them if she deemed them unfounded. Moreover, the formulation by China of any sound economic or fiscal policy would require a full knowledge on her part of the number and character of the claims which other powers desired to advance against her. Mr. Koo thought this was true for the powers also; unless they knew the nature and scope of all the engagements concerning China, they could not, for example, seek new enterprises or new fields of investment without running the risk of clashing with the powers, parties to such secret engagements.

So far as China was concerned, she was ready, in accordance with the principle of publicity for international engagements, to place before the committee the text of any commitment to which she was a party. In fact the Chinese delegation would be glad to furnish any information, in this connection, which any of their colleagues desired. In making this statement he hoped that the other delegations would reciprocate by furnishing the Chinese delegation with such information as they desired regarding agreements which had been entered into concerning China, and claims which their Governments might desire to make on her.

Mr. Koo added that, so far as the Chinese delegation was aware, the only engagement China had entered into, concerning which others had at times manifested some desire to know the exact nature, was the treaty of 1896 with Russia, known as the Li-Lobanoff treaty. If any of the members of the committee desired to be made fully conversant with the terms thereof Mr. Koo said he would be glad to submit them.

The next point he desired to discuss was that the validity of these commitments should be determined. While it was desirable to examine the whole class of existing commitments, he would refer particularly to those that had their origin in doubtful circumstances. As he had stated earlier, many were based solely on letters or the verbal assent of individual officials not duly authorized. In one case there had been a claim for territorial concessions which had been pressed, moreover, simply because a Chinese official who received a letter embodying the claim had been impressed with its unreasonableness and had refrained from replying. Mr. Koo felt, therefore, that it was very desirable, in order to clear up the status of all existing commitments, that the committee should try to determine which ones were valid, especially in the case of those based on uncertain and often nebulous claims.

The third point Mr. Koo wished to suggest was that, after the validity of the existing commitments or claims was determined, steps should be taken to harmonize them with one another and with the principles adopted by the committee. It was well known that there were claims and commitments which might each have equal validity per se but which might conflict with each other. To prevent controversies it would be highly desirable for all parties concerned, those claiming a commitment as well as the Chinese Government, that all the conflicting features of these commitments should be removed. Mr. Koo remarked that it had been said this might introduce a new principle, that of retroactivity. That might be so; but the practical fact that engagements existed which conflicted with each other should not be overlooked, and there could be no doubt that those conflicting claims should be adjusted and settled, in a manner equitable and satisfactory to all concerned.

It might also be said that this would be opening the door to new disputes, on the ground that a future concession might trespass on rights already existing. He did not lend great weight to that argument, because if an existing commitment were sound and just, it would have nothing to fear, since the course proposed would furnish an opportunity to strengthen its position and confirm its validity. If such commitments were merely left on one side, the conflicts be-

tween them would not be removed and the way for future disputes would remain open. Some steps should be taken, therefore, to solve the conflicting terms between commitments now existing. Hence he had submitted his three suggestions for the consideration of the committee, and would be most happy to hear any observation which his colleagues might wish to make on them.

19. The chairman said that the committee had listened with great interest to the important statement of Mr. Koo. The chairman supposed that nothing they could do would promote to a greater degree friendly relations in the future, with respect to matters in which China and interests in China were involved, than a full disclosure of all the commitments relied upon by the powers represented at the conference. He would suggest for their consideration that the powers represented prepare and file with the secretary general of the conference lists of all the treaties and engagements with China upon which they relied.

He was glad to note the offer of Mr. Koo to present the conference the contents of the engagement with Russia to which he had referred, and he trusted that Mr. Koo would fully disclose what the engagement was.

He thought it would be to the advantage of the conference that whatever was lacking in the way of information in respect to commitments relating to China should now be supplied. This in itself, he thought, would largely, if not entirely, take care of the nebulous claims to which Mr. Koo had referred. In other words, a valid claim could be stated and its basis could be set forth; if it were too nebulous to be listed, and at the same time it was understood that all engagements were listed, he doubted if, in the future, there would be any basis for pressing it. Further, the question of validity really had relation to something that could be defined, and in respect to which an argument as to validity or invalidity could be conducted. A mere nebulous assertion of some right, without any basis at all except conversations or suggestions, would hardly create an opportunity for serious argument.

The point was, he said, that the powers at the conference should thenceforth know, in the interest of their cordial relations, all that any of the powers had to say with respect to their rights. That disclosure could affect no actual right adversely; on the contrary it would tend to support every legitimate claim. Questions that were in doubt would not be in any more doubt because they were frankly stated. He thought that great progress could be made at the conference if they would resolve to present the commitments upon which they relied, list them, and give them to the secretary general. Matters of conflict, of course, presented phases of claims of right on either side, which naturally would have to be adjusted in a manner satisfactory to those who believed that they had rights. That presented the case of a controversy and the question as to the appropriate means of settling controversies.

His suggestion would be that, instead of discussing all such matters at once, or at least having a discussion which would not be definitely related to a particular topic at a particular time, the committee should first take up the matter of listing the various commitments upon which the nations relied in respect of China. As preliminary to that he trusted that he might, with their consent,

invite the disclosure which Mr. Koo stated that he was ready to make.

20. Mr. Koo declared that in compliance with the request of the chairman the Chinese Delegation would be glad to lay before the committee the terms of the Russo-Chinese alliance as soon as a copy had been made for submission. He wished to add, however, that the said treaty was signed in the year 1896, and was to remain in force for only 15 years, so that its terms had already expired.

21. Sir Auckland Geddes said that the British Empire were fully prepared to publish all the commitments which they had with China, fully prepared to publish everything they relied on. In fact, the vast majority of them were already published. He was not, however, sure that he understood Mr. Koo correctly. Did he wish all the treaties of peace and commerce between Britain and China to be re-issued and republished? Those were known to the whole world. It would be quite possible to prepare such a list, and if it were considered desirable there was no difficulty about doing it. It would, however, take a little time.

The British Empire delegation had prepared a list of all the minor commitments embodied in instruments of less importance than the great treaties which existed between them and China. Those they were prepared to publish, or to give to the secretary general, or in any other way to make them available to the whole world. They believed that they were all already known to anyone who took the trouble to look for them. The vast majority of them, at all events, had been published in that most valuable work by Mr. MacMurray.

In saying that they were willing to publish all these commitments at once, it was not possible to guarantee that the list that they had at hand was exhaustive; and he suggested informally that after there had been publication of a list of these documents, a certain time interval be allowed for others which might have been overlooked to be added to the list. It was possible that the mere fact of publication was quite likely to bring to attention something that had been for the moment overlooked.

With that proviso, and dealing purely with the suggestion of publication, and to repeat what he had already said, the fullest publicity fell in exactly with the desire of the British Empire delegation in this matter of their relations with China.

22. The chairman said that the statement made by Sir Auckland Geddes was most gratifying. It was, of course, not desired that in this matter there should be any unnecessary inconvenience. Possibly it would meet with the approval of the committee if it were arranged that in all cases where the treaties or engagements were set forth in Mr. MacMurray's compilation it would be sufficient merely to refer to that compilation, with a reference to the place where the treaty or engagement might be found. That would greatly simplify the preparation of such a list.

23. Baron Shidehara said that he would like a clear understanding on one point. It would not be difficult to give a full list of commitments and agreements to which the Japanese Government itself was a party. The question of Chinese obligations to individuals or firms, however, to which the Government itself was not a party, was

an entirely different matter; it would be very difficult, indeed, for any Government to ascertain the precise nature and terms of such contracts and to make a list of them. He assumed, therefore, that the chairman's statement referred only to those agreements and claims to which foreign Governments themselves were parties.

24. The chairman said that it was, of course, not supposed that Governments would be under any obligation to list commitments in which they had no interest and of which they had no knowledge. In enterprises not wholly or strictly governmental, however, there were sometimes important features which involved Government concessions. The question of degree was important. There were some matters which were not directly governmental engagements which were of a very serious character as affecting the interests of nations or their nationals. One illustration was that of the Chinese Eastern Railway. It might be regarded as a concern which was provided for by a particular organization and which was not, in its organization, technically a governmental affair. It would be very important, however, to be advised of the matter, if anything of that sort were projected which did not happen to be known.

He thought that this should be dealt with in a practical way. The point was that they should go forth from this conference with full knowledge of what the nations therein represented relied upon in relation to commitments in connection with China. His suggestion would be, subject to discussion, that the Governments should list the engagements in which they had an interest, which were made by them or on their behalf, or to which they were related, or of which they had knowledge.

25. Jonkheer Beelaerts van Blokland suggested that besides reference to the valuable work of Mr. MacMurray as proposed by the chairman it should also be permissible to refer to other well-known compilations, such as Mayers, Hertslott, and the collections of treaties published by the Chinese maritime customs.

26. The chairman said that the suggestion was, of course, eminently appropriate. He supposed that any available compilation which had been published could be referred to in the interest of convenience.

27. Mr. Sarraut said that, in regard to treaties and commitments between France and China, everything had been published; all the documents could be found in Mr. MacMurray's compilation or in the book published about France by Martens, or in the collection of treaties and agreements published by the administration of the Chinese customs. All was known therefore as far as France was concerned. If, in the compiling of the list, any matter should have been overlooked, he saw no objection for his part to the Chinese delegation completing the list if they were willing to do so, since China must know herself to what documents she may have affixed her signature.

28. The chairman said that, if it was agreeable to the delegates, it could be provided that, within a time deemed to be satisfactory, lists could be filed with the secretary general, and a time should be allowed for completion and comparison with the facts available to the Chinese Government; so that, within some fixed period, the secretary general of the conference would be able to advise the powers represented of these complete lists.

The powers represented on the Committee could now resolve that, except as stated in the lists thus completed, that there were no engagements relating to China upon which the powers severally relied.

29. Viscount d'Alte inquired if it were necessary, in the chairman's view, to list also those local engagements entered into by colonial authorities and Chinese authorities, or if he had reference only to treaties.

30. The chairman said it was not desired, of course, that this should be an unnecessary burden; on the other hand, however, it was most important that the commitments be known. He supposed the more informal they were, the more important it was that the information be given. The larger engagements, which had been known for years, could, of course, be referred to by a mere reference to a page in a compilation. But if there was any undertaking which was to be asserted against China or which related to China, in favor of a power or its nationals, the committee would desire to know what it was.

With regard to the question raised by the Portuguese minister, the chairman thought that, in view of the changes that had taken place in China and of present conditions, it would be highly desirable that any commitment, whether with the central government or with the local authorities or governments, should be known.

He understood from what had been said by their British, French, and Japanese colleagues, that it was not going to be a matter of very great difficulty to list these engagements. The important thing was that the powers at the conference should know that all was known; that is, that they should have a complete statement which, giving abundant time for its verification, should be regarded as a final statement with respect to the commitments as to China. He hoped, therefore, that there would be no limitation which would allow any commitment to be ignored on the ground that it was local or informal, or not reduced to the form of a treaty, relating to China, or some political subdivision of China.

It was intended to include everything affecting China. He continued that, with the permission of the committee and taking the sense of what had been done during the morning, a proposed resolution would probably be circulated later in the day for consideration, so that the discussion could be directed to a precise point. He also desired, with the permission of the committee, to arrange an adjournment until the afternoon of the next day on personal grounds, as he was anxious to attend the Cabinet meeting the next morning; if it were very inconvenient to the members of the committee, however, he would try to arrange to be available the next morning.

31. Mr. Koo said that on this question of the commitments he hoped he understood correctly that in making out a list of these commitments, not only those to which China was a party, but also others between powers concerning China should be included.

32. The chairman replied that everything affecting China should be included.

33. Mr. Root announced that there would be a meeting of the five power drafting committee at 11 o'clock the following morning and of the nine power drafting committee at 12 o'clock.

34. The committee then adjourned until Friday, January 20, 1922, at 3.30 p. m.



**TWENTY-SECOND MEETING—FRIDAY, JANUARY 20, 1922, 3.30 P. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray, Mr. Williams.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. Tilmont.

*British Empire.*—Mr. Balfour, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Bajpai.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. M. T. Z. Tyau, Mr. T. C. Yen, Mr. C. Zee.

*France.*—Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Garnier, Mr. Touzet, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Sawada, Mr. Tomita.

*Portugal.*—Viscount d'Alte, Captain Vasconcellos.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general accompanied by Mr. Cresson and Mr. Paul. Mr. Camerlynck and Mr. Talamon, interpreters.

1. The twenty-second meeting of the Committee on Pacific and Far Eastern Questions was held on Friday, January 20, 1922, at 3.30 o'clock, in the Columbus Room of the Pan-American Building.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Rolandi-Ricci; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Captain Vasconcellos.

3. The following secretaries and technical advisers were present: For United States, Mr. Wright, Mr. MacMurray, Mr. Williams; for Belgium, Mr. de Warzee, Mr. Tilmont; for the British Empire, Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Bajpai; for China, Mr. M. T. Z. Tyau, Mr. T. C. Yen, Mr. C. Zee; for France, Mr. Kammerer, Mr. Garnier, Mr. Touzet, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Sawada, Mr. Tomita; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino. The secretary general, assisted by Mr. Cresson and Mr. Paul, was present. Mr. Camerlynck and Mr. Talamon, as interpreters, were also present.

The chairman (Mr. Hughes) called the meeting to order, and asked if any committee was ready to report.

Senator Underwood said that when the report of the committee on the customs tariff in China came before the full committee there was a recommendation that a resolution be passed in reference to the disbandment of certain military forces in China. It was referred back to the subcommittee with the request that the resolution be presented. He had drafted a resolution which had met with the approval of the members of the subcommittee, but there was a slight modification of it that the Chinese delegation desired, which he thought would meet with the approval of the delegates. He said he would read the resolution as originally prepared and then the modification. He first read the resolution:

"Whereas, the powers attending this conference have been deeply impressed with the severe drain on the public revenue of China through the maintenance of excessive military forces in various parts of the country, most of which are controlled by the military chiefs of the Provinces,

"And whereas the continued maintenance of these forces appears to be mainly responsible for China's present unsettled political conditions,

"And whereas it is felt that large and prompt reductions of these forces will not only advance the cause of China's political unity and economic development but will hasten her financial rehabilitation;

"Therefore, without any intention to interfere in the internal problems of China, but animated by the sincere desire to see China develop and maintain for herself an effective and stable government alike in her own interest and in the general interest of trade;

"And being inspired by the spirit of this conference whose aim is to reduce, through the limitation of armament, the enormous disbursements which manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity;

*"It is resolved,* That this conference express to China the earnest hope that immediate and effective steps may be taken by the Chinese Government to reduce the aforesaid military forces and expenditures."

It had been suggested, Senator Underwood said, by the Chinese delegation that instead of the first paragraph the following paragraph should be substituted:

"Whereas the powers attending this conference have been deeply impressed with the severe drain on the public revenues of China through the maintenance in various parts of the country of military forces, excessive in number and controlled by the military forces of the Provinces without coordination"——

The rest of the resolution was to be unchanged.

He pointed out that the substance of the paragraph was not changed, and suggested the adoption of the resolution with the amendment as suggested by China.

Sir Robert Borden said that "the resolution now presented was inspired by a sincere and earnest desire to aid the purpose of the Chinese people in establishing stable government and in freeing the country from the incubus of excessive militarism. The appointment of military governors for the Provinces which was initiated shortly after the inception of the Republic by the then President, Yuan Shi Kai, had had an unfortunate effect and operation since his death. The power of these governors had increased to such an

extent that the Central Government at Peking exercised very little control over a large part of the country. In fact the military governors had become military dictators within their respective Provinces or spheres of influence; they recruited and maintained their own armies; they formed combinations among themselves and struggled for ascendancy and at intervals they dictated the personnel and policy of the Central Government. That Government possessed very little authority in comparison with the power of the military governors and was only recognized by the latter in so far as it suited their interests. This system had continued in force for several years, although it was entirely alien to the habits and traditions of the Chinese people.

Up to the present there had been an unfortunate lack of such organizing capacity as would establish a strong and stable central Government and bring the country once more under its effective direction and control. For such a purpose the provision of great revenues or the placing of large funds at the disposal of a weak administration was not of itself effective. So long as the military governors retained their present dominating authority and influence such financial resources would probably be absorbed to a very great extent by these military chiefs instead of being employed to cut down their power.

Exact accuracy, Sir Robert Borden continued, in any statistics of military forces and expenditure in China at the present time could not be expected; but reasonable estimates placed the total number of men under arms at not less than one million; at least the payroll probably included that number. It was confidently asserted that more than half of the total revenues of the country were employed in the upkeep of these forces. They had not been raised for the defense of the country against outside aggression; on the contrary they were really maintained for the purpose of civil war and when on active service they were fighting against their own countrymen enlisted under the banner of some other military chieftain. However in one province, which was said to be exceptionally well governed by a man who devoted his whole attention to the welfare and prosperity of his district, a considerable military force maintained as a necessity to his prestige was made to do duty in the construction of excellent roads. In that province the progress and advancement of the people were said to be quite remarkable and they gave an illustration of what the Chinese people might accomplish under good government.

The forces enlisted under the various military chieftains were said to regard their military duties as entirely occupational and it was believed that they would be quite ready to accept employment in the construction of railways, highways, and otherwise, provided the arrears in their pay were made good.

The weakness, and indeed the impotency, of the central Government, so far as a great portion of the country is concerned, must necessarily be a matter of concern to the other powers. The Chinese people had developed a high civilization which, in some of its characteristics, afforded a notable lesson to the nations of the West. They had behind them centuries of splendid tradition, a great development of art and of literature. At present they were passing

through a period of transition from the autocratic rule of an ancient dynasty to the development of advanced democratic institutions. There was no occasion for surprise that, under these circumstances, the conditions to which Sir Robert Borden had alluded should have arisen. It might rather have been anticipated that the disorders and the instability would have been more pronounced. But among all the tumult and the fluctuations attending the development of democracy in China, the attachment of the people to the soil and their untiring industry had remained unchanged. One might adapt the words of a well-known quotation:

"They hear the legions thunder past,  
Then plunge in toil again."

Notwithstanding the present conditions, no one should fear for the future of the Chinese people. It had sometimes been thought that they would be absorbed by other nations. In Sir Robert Borden's judgment, they were more likely to absorb than to be absorbed. The mere passive resistance of that vast nation of 400,000,000 was powerful to protect it. Out of the present disorders would eventually arise a permanent system of stable government and China would take her deserved and well-recognized place among the great powers of the world. This could not be accomplished for China by any other nation or group of nations. External beneficent influences might aid, but in the end the Chinese people must work out their own political salvation. There was abundant reason to believe that they could and would accomplish this. In the meantime, it was the duty of other nations—and that duty had been exemplified in the work of this conference—to lend a helping hand wherever that might be possible to remove hampering restrictions as soon as practicable and to give every assistance and encouragement for the political regeneration of this illustrious people.

Mr. Koo said that, with reference to the subject of the resolution which Senator Underwood had presented to the committee, the views of the Chinese delegation had been stated at a previous meeting when it was brought up for consideration. He and his colleagues had no new observations to offer. As the chairman of the subcommittee on Chinese tariff had stated, an amendment had been suggested by the Chinese delegation, only to meet the difficulties brought up by one of the delegations. With regard to Sir Robert Borden's remarks, Mr. Koo wished to express in the name of the Chinese delegation a deep appreciation of the spirit animating them. Sir Robert Borden's serene faith in the Chinese people and in the future of China only confirmed the understanding of the Chinese delegation of his familiarity with the sentiments of the people of China.

The chairman then asked the committee whether, having heard the report of the subcommittee recommending the adoption of this resolution and the clear and admirable statement made by Sir Robert Borden relating to conditions in China, setting forth the reasons for the adoption of the resolution, they were ready to proceed to act. The resolution, he said, was in the form which had been circulated, with the exception of the first paragraph of the recital, and that had been amended to read as follows:

"Whereas the powers attending this conference have been deeply impressed with the severe drain on the public revenue of China through the maintenance in various parts of the country of military forces, excessive in number and controlled by the military chiefs of the provinces without coordination."

The resolution, as thus amended, was unanimously adopted.

The chairman said that the next matter that might be considered by the committee was the resolution (copies of which had been distributed), concerning publicity with respect to matters affecting the political and other international obligations of China, and of the several powers in relation to China. This resolution had been prepared by technical advisers, and was intended to present, for the consideration of the committee, the matters which were to some extent discussed at the last meeting.

He then read the proposed resolution, as follows:

"DRAFT RESOLUTION ON THE TABLING OF EXISTING COMMITMENTS.

"The powers represented in this conference, considering it desirable that there should hereafter be full publicity with respect to all matters affecting the political and other international obligations of China and of the several powers in relation to China, are agreed as follows:

"I. The several powers will at their earliest convenience file with the secretariat general of the conference for transmission to the participating powers a list of all treaties, conventions, exchanges of notes, or other international agreements which they may have with China, or with any other power or powers in relation to China, which they deem to be still in force and upon which they may desire to rely. In each case, citations will be given to any official or other publication in which an authoritative text of the documents may be found. In any case in which the document may not have been published, a copy of the text (in its original language or languages) will be filed with the secretariat general of the conference.

"Every treaty or other international agreement of the character indicated shall hereafter be notified to the powers here represented within 60 days of its conclusion.

"II. The several powers will file with the secretariat general of the conference at their earliest convenience for transmission to the participating powers a list, as nearly complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions, of the other part, on which their respective Governments propose to rely, which involve any concession, franchise, option or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involve either a lien upon any of the public revenues or properties of the Chinese central Government or of the several provinces, or a financial obligation on the part of that Government or of the provinces exceeding \$1,000,000 silver (peiyang \$1,000,000). There shall be, in the case

of each document so listed, either a citation to a published text, or a copy of the text itself.

"Every contract of the character indicated shall hereafter be notified to the powers here represented within 60 days of its conclusion."

Baron Shidehara thought that the general idea of this resolution would no doubt be of great value to all concerned; but the practical side of the matter must also be considered. The texts of a great many treaties and other international agreements between Japan and China were in the Japanese and Chinese language. They had been published from time to time in the *Official Gazette* of the Japanese Government, but no authentic translation had as yet been made. Mr. MacMurray's book contained translations of most of these documents, but these could not be regarded as authoritative or official. So far as the Japanese delegation was concerned, therefore, they could only give citations from MacMurray or any other compilation in English or French on the understanding that these translations were in no way to be regarded as authoritative.

In the second place, Baron Shidehara continued, the Japanese delegates here had a general knowledge of the important contracts concluded between Japanese nationals and the Chinese Government or local authorities coming under the head of Article II of the draft resolution, but they had not at hand the full text of these contracts, nor was there any legal means of compelling individual firms or corporations to produce the texts of these contracts; hence practically the execution of Article II seemed to require an act of legislation, so far as Japan was concerned, to compel each firm or corporation to notify the Japanese Government whenever such a contract was completed. Without such legal sanction it was impossible to undertake that all contracts should be notified to the powers within 60 days of their conclusion. Baron Shidehara said he would like to know the views of the committee on this subject.

The chairman said that he understood that there were two points presented. The first was in relation to the first article of the resolution. It was said that the translations found in MacMurray's and other compilations might not be accurate and the Japanese Government did not desire, in referring to the page of the compilation, to have the translation regarded as authentic. He supposed that in any case in which the attention of the Japanese Government had been directed to a mistranslation it would not be averse to calling attention thereto in connection with the reference. But, of course, it was not desired that there should be any unnecessary inconvenience, and in case that at any time it were found that there was some error in the published translation he supposed that an immediate correction could be made. He saw no reason why the reference to translations should not be subject to any correction that might be found necessary.

The second point related to the second paragraph of the resolution, and was in substance that the Japanese Government might not be fully advised of the contracts of the character described between their nationals and the Chinese Government or its administrative divisions. There were certain qualifications in the resolution itself with respect to the contract to be disclosed; they were to be contracts

on which the respective governments proposed to rely; they were contracts which involved features in which the governments had some interest or on which they desired to place reliance. That is to say, he assumed that they were contracts which were in accord with some national policy which it was desired to support. The other qualification was that the list should be as nearly complete as might be possible. When he suggested the substance of the resolution on the previous day, he took the liberty of saying that it was to include contracts either between the governments, or in which the governments had an interest, or of which they had knowledge. Of course it was not intended that a government should be charged with the duty of putting in the list a contract to which it was not a party, in which it did not have an interest, and of which it had no knowledge.

He assumed that in providing the list, it would be tantamount to an assurance that the government had made it as complete as possible. He did not think there would be found anything impracticable in this plan when carried out with the purpose indicated, namely, to have governments in good faith state what they knew with regard to contracts of the class described.

There was, however, a different situation in connection with the second paragraph of Article II; at least, he wished to suggest the point to the committee, that it might be considered. Of course, when the plan was adopted, it would be generally known. Now, what were the contracts to which the second article applied? They were concessions, franchises, options, or preferences with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamations, electrical communications, or other public works or public services, or for the sale of arms or munitions, or which involved either liens upon any of the public revenues or properties of the Chinese central government or of the several provinces, or financial obligations on the part of that government or of the provinces exceeding \$1,000,000 silver. They were contracts or concessions of the character described, between the nationals of a Government on one part and the Chinese Government or any of its administrative subdivisions on the other. In other words, from the Chinese side it was a government contract; it was a government contract in relation to these classes of works of a very important character. Of course, with the information that this policy had been adopted, which could hardly fail to come to the attention of any concern seeking a concession or contract of this sort from the Chinese Government or its political subdivisions, he supposed that it might well be understood that the governments of the nationals concerned would be informed, if it were to be expected that they would later diplomatically support the undertaking. Also, as had just been pointed out to him, there was a further point that should be mentioned; the Government whose nationals were concerned, as well as the other Governments represented at this conference, would be at once informed by China of the making of the contract. So he felt that, so far as the future was concerned, their Japanese colleagues would not be in any danger of being taken by surprise.

Baron Shidehara said that perhaps he had not made his meaning entirely clear. There might be some contracts of the nature specified in Article II of which the Japanese Government had at present no

knowledge, but with regard to which questions might later arise. If these contracts were legitimate, the Japanese Government would have to support them. According to this article, each power would be required to supply a list of these contracts as nearly complete as possible. The Japanese Government would do everything in its power to supply such a list, but it could not guarantee that this would be complete. He also wished to call attention to the fact that the first paragraph of Article II specified that the several powers were to file with the secretary general of the conference, at their earliest convenience, for transmission to the participating powers, a list, as nearly complete as might be possible, of all those contracts between their nationals, etc., while the second paragraph of this same article did not contain such a limitation.

Mr. Balfour said that the two resolutions that the chairman had placed before the committee, although, of course, they were closely allied in subject matter, really dealt with different points. All the discussion so far, he thought, had taken place at the initiative of the Japanese delegation upon the second resolution, and nothing had been said upon the first. Perhaps it would be convenient, as the committee had begun with the second resolution, that they should finish with that resolution, and therefore, although he had something he would like to say to his colleagues on the first resolution, he would not say it until the discussion on the second resolution had terminated.

On the second resolution he would observe only this. The chairman had stated, Mr. Balfour thought, with irresistible force that China must make herself a party to this general arrangement, as he was sure China would be quite ready to do; but, if that was to be the understanding, he thought it was an understanding that should be embodied in the document itself, and that the committee should explicitly throw upon China as well as upon the other powers the obligation of taking its fair share in this effort toward publicity, which would do so much, he felt, in the future to purify the whole of these commercial or semicommercial transactions.

Mr. Balfour asked if he might make one further observation on this second paragraph. It aimed at giving publicity to every transaction which was over a million dollars in amount. He believed the ordinary practice of the British legation in Peking and of British subjects was that these last should notify the legation or the foreign office of all transactions of the kind they were dealing with. Although there was no written law upon the subject, he imagined that a British national who did not inform the British legation that he was making a contract would not expect that legation to give him any diplomatic support should any question on it arise thereafter. Mr. Balfour said he would like to ask whether that wholesome rule ought to require that publicity be given to the terms of relatively small transactions. He took it that \$1,000,000, when great contractors were being dealt with, and a great Government, counted among the smaller transactions of commerce, and was it not a fact that commercial men did not always wish to have the precise terms of their contracts known?—not necessarily because there was anything discreditable about them, or anything of which they might be in the least ashamed; but because they might conceivably involve some information with regard to the prices at which they were pre-



pared to transact business which might be inconvenient in the conduct of their affairs.

Mr. Balfour hoped that with regard to the second paragraph, and this observation applied also to the first, the committee would add two provisions to this whole contract. One he had already referred to. He thought the committee should throw upon China her fair share of the legitimate obligation; and he felt something more should be done; he felt that, as had been done in many previous cases, nations not represented around this table should be asked if they would agree to the final form in which this document might be embodied. He had no doubt that that was the intention of the American delegation. He thought it should be put in black and white; and he did not doubt that that accorded with their general policy.

Mr. Balfour said that he had one or two things to say upon the first question; but he reserved those, if he might, until a later time.

The chairman said that it was the intention that China should, of course, take her share in this obligation, and that should be expressed. He was advised by the drafters that this was the intention of the draft in the words "powers attending this conference." But when the language was examined closely it was found to relate, in the first paragraph, to agreements which the powers might have with China or with other powers in relation to China. It should be specifically stated that this duty of communication was a duty which was to be discharged by China as well as by any other power concerned; of course the assumption of that obligation by China—and he had no doubt that it would be readily assumed—would give an important guaranty so far as the acquisition of the information was concerned, because it would always be the Government of China, or a political subdivision of China, that would be concerned in the contracts in question.

With respect to the point that this might involve transactions that were relatively small, it would be observed that they were transactions of the class enumerated in the resolution and that their character was such as to make it important that the transactions should be known. They concerned what were commonly called public services or public utilities. It might be that, under this resolution as drafted, the last clause—

"or which involve either a lien upon any of the public revenues or properties of the Chinese Central Government or of the several Provinces, or a financial obligation on the part of that Government or of the Provinces exceeding one million dollars silver"—

would bring into the purview of the article other contracts than those of the nature of public services or public utilities. It might, he added, perhaps be sufficient in such cases, that the nature of the contract should be indicated, and the text be supplied only upon request. However, the matter was submitted for discussion. His own thought was that whatever was a governmental transaction of the sort described on the part of China or its subdivisions should be known, and in some way provision should be made to that effect.

The point with regard to China's obligations might be met in this way: The suggestion had been made to him, which he was glad to present for the consideration of the conference, that a third paragraph be added to cover the point in these words:

"III. The Chinese Government undertakes to notify promptly, in the manner laid down in this agreement, every treaty, agreement, or contract of the character indicated herein which has been, or may hereafter be, concluded by that Government, or by any local authority in China with any foreign power or the nationals of any foreign power, whether a part to this agreement or not, so far as the information is in its possession."

He supposed the first and second paragraphs should have, after the words "the several powers," the addition of the words "other than China," so that they would read:

"I. The several powers, other than China, will, at their earliest convenience, \* \* \*"; and

"II. The several powers, other than China, will file with the secretariat general \* \* \*"

and then the third paragraph as recommended—the assumption of the duty by China. He added that it was quite in accord with the intention of the American delegation that the adherence of other powers should be asked.

Baron de Cartier asked whether it was intended to set a time limit during which the agreement would remain in force.

The chairman answered that until it was changed by consent of all the signatory powers it would continue indefinitely.

Mr. Balfour said there was a very small point, but he thought it was of some importance. He asked the committee to turn to page 2, the words "on which their respective Governments propose to rely." Those words were repeated from the first paragraph. In the first paragraph that was clearly appropriate, because the first paragraph related to contracts between governments, and therefore it was right to use those words. He was not quite sure that he saw their significance in the second paragraph. This paragraph dealt with contracts between companies or individuals and the Chinese Government. Now, it was rather hard to ask the government of which contractors were the nationals to decide beforehand that they always meant to support the contractor. In fact, he was not quite sure that he knew exactly what the meaning of the words "on which their respective Governments propose to rely" was in relation to a private contract. If a man made a contract to build a certain section of railway, this was on the face of it a legitimate transaction and his Government would probably support him. But why should his Government be required to insist upon it even if it was a legitimate contract? He was not sure but what it would be better to omit the words.

The chairman asked whether Mr. Balfour would suggest an amendment.

Mr. Balfour said he would just omit those words.

Baron Shidehara said that if the new article suggested by the chairman were adopted, he did not understand why it was necessary to maintain Article II. The Chinese Government being party to these contracts, it would be in the best possible position to know of their existence; and if it undertook to supply the information, it would not be necessary for the other Governments to repeat the same information.

Mr. Hanihara said that as stated by Baron Shidehara, the Japanese delegation was in entire accord with the general purposes of

the resolution, but, as regards the proper form which the latter should take, there were, he believed, several points which might require careful consideration. While disclaiming any desire to delay the progress of the conference, he asked whether it would be agreeable to the chair to give time for further study and consideration of the resolution. He had himself only received the draft in question just before he had entered the committee room, and had had no time to consult with his colleagues. This in no way precluded their entire agreement, but for his own part he would appreciate the opportunity to familiarize himself with the matter. This appeared to be one of considerable importance to Japanese interests, and, without any idea of keeping commercial transactions secret, there were certain points affecting private contracts which must be duly considered.

The chairman said that perhaps it would suit the convenience of the committee if the resolution with the third article that had been proposed were to be distributed. In that amended form the resolution would be presented for consideration. If the delegates, considering this draft during the interval before the next meeting, reached the conclusion that amendments were desired, they should formulate the amendments so that they might be proposed and dealt with. Most of the questions that had been considered were questions relating to the substance of the matter and he thought should be considered by the full committee.

One amendment suggested by Mr. Balfour was the omission of the words in the second article "on which their respective Governments propose to rely."

Another amendment which had not been formulated but which apparently would meet with acceptance was that the provision should be made for adherence by other powers.

The question might be considered as to whether the proposed agreement on the part of China in the third paragraph would answer the purpose entirely. He supposed that there would be no reason for putting the whole obligation upon China. He supposed that the other powers, if they were advised of the agreements, could easily give the required notice; of course, they would not be expected to give notice, as he had already said, of what they did not know. Also, as suggested by Mr. Balfour, this dealt with agreements with local Governments. It would be desirable that full information should come from all the sources available.

Jonkheer Beelaerts van Blokland remarked that in the second paragraphs of Articles I and II, it was not specified upon whom rested the obligation to make the communication, nor was it said by means of what body the powers were to be notified. That body could certainly not be the secretariat general of the conference, as the paragraphs referred to concern future documents and the secretariat general seemed to be destined to disappear with the conference itself.

The chairman said that their colleague of The Netherlands was quite right in his construction of the proposed article. The provision for filing with the secretariat general was simply with reference to the immediate filing, as soon as might be done, of existing treaties and conventions. The second paragraph had relation to future action, treaties and agreements, made after the Conference had adjourned. The purpose, of course, was that the several powers

were to be charged with the duty of notification; but that could be more clearly expressed.

After some discussion as to the date of the next meeting, the committee adjourned until Saturday, January 21, 1922, at 11 o'clock a. m.

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**TWENTY-THIRD MEETING—SATURDAY, JANUARY 21, 1922, 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray, Mr. Williams.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. le Tellier, Mr. Tilmont.

*British Empire.*—Mr. Balfour, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Christie, Mr. Lampson.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. Yen, Mr. Koo, Mr. M. T. Z. Tyau, Mr. Zee.

*France.*—Mr. Sarraut. Accompanied by Mr. Kammerer, Mr. Garnier, Mr. Touzet, Mr. Ponsot.

*Italy.*—Senator Schanzer. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Sawada, Mr. Tomita.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, accompanied by Mr. Osborne, Mr. Pierrepont, and Mr. Wilson. Mr. Camerlynck and Mr. Talamon, interpreters.

1. The twenty-third meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room of the Pan American Union Building, at 11 a. m. Saturday, January 21, 1922.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Sarraut; for Italy, Senator Schanzer; for Japan, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray, Mr. Williams; for Belgium, Mr. le Tellier, Mr. de Warzee, Mr. Tilmont; for the British Empire, Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Christie, Mr. Lampson; for China, Mr. Yen, Mr. Koo, Mr. M. T. Z. Tyau, Mr. Zee; for France, Mr. Kammerer, Mr. Garnier, Mr. Touzet,

Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Sawada, Mr. Tomita; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general, assisted by Mr. Osborne, Mr. Pierrepont, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

The chairman (Mr. Hughes) said that, before beginning the work of the committee, he desired to say a personal word to the members who were present, quite informally, of course, with respect to the Naval Committee. The chairman was subject to quite a little embarrassment at the moment because of the appearance in the press of quite definite information in regard to the naval treaty. The important thing with the press, of course, was that all should be treated alike. The press were very desirous of obtaining information, but they were thoroughly content if information was withheld from all, and if none had a superior facility in obtaining it. Quite mindful of that, the chairman had refused to permit any synopsis or summary of the treaty to go to any press representative; and yet nearly every day there was something regarding the naval treaty in the newspapers, in some cases the exact text of certain articles which, of course, made it difficult for the chairman to explain why this had been withheld from the press and the various agencies when, apparently, there were means by which the information was obtained. The only explanation of this, he supposed, was that, quite without the consent or knowledge of the delegates, there were subordinates who, having information, were dealing rather freely with the press. His suggestion and earnest request was that the heads of delegations should take the matter up with their subordinates and make sure that their confidence was maintained. This treaty was not complete. It had not been passed upon by the committee. It was in a drafting state; and, of course, it was quite contrary to the confidence which they all sought to maintain, that at this stage articles of a definite sort relating to it should appear in the press. He merely asked that the heads of the delegations of the five powers should see their subordinates and make it plain that this information should not be given out. He was sure they would pardon these remarks, because it was very embarrassing to the chairman to meet newspaper men daily who insisted that this had been said or that had been said, and that the chairman would not give accurate information upon which they could rely.

The chairman then said that the question before the committee was the resolution which had been proposed relating to publicity as to treaties and international engagements. He thought perhaps it would facilitate the discussion if the committee took each article separately and dealt with that article—of course, provisionally—in order to determine the acceptability of the text, with such amendments as might be proposed, and then, after each article had been dealt with in this way, the entire resolution might be put to vote for acceptance or rejection. With that in view, if there was no objection, they would take up the first article.

He said that the text had been distributed, with some of the changes which appeared to be generally acceptable and necessary. For example, in the first article, the words "other than China"

appeared after the word "The several powers." It was also apparent that there should be clarification of the second paragraph of the first article, to make it appear by whom the notice should be given, and he suggested that the second paragraph be made to read:

"Every treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned to the powers here represented within sixty (60) days of its conclusion."

The insertions were these: The word "described" instead of the word "indicated;" then the words "which may be concluded hereafter;" and the words "by the Governments concerned" were to follow the word "notified."

There was another amendment. Instead of the words "here represented," in view of the adherence of other powers, that might be changed to "who are parties," or "who adhere to this agreement."

Possibly, he thought, the last clause should be "parties signatory or adherent" instead of "the parties who are here." That was a verbal change merely.

Mr. Koo asked that the paragraph be repeated.

The chairman said that he had made a change in it, and he apologized for not reading it as a whole with the change embodied therein. He then proceeded to read the amended paragraph:

"Every treaty or other international agreement of the character described which may be concluded hereafter, shall be notified by the Governments concerned to the powers signatory or adherent to this agreement within sixty (60) days of its conclusion."

Sir John Salmond said that he noticed that Article I and also Article II provided that the documents should be filed with the secretariat general of the conference. That assumed that this was an immediate act, to take place during the continuance of the conference, and therefore during the continuance of the secretariat general. Other powers, however, were being asked to adhere, and therefore it seemed scarcely appropriate that the secretariat general should be regarded as a permanent institution to provide machinery for the carrying out of this purpose.

He suggested that all reference to the secretariat general might be omitted, and the obligation on the powers be merely to transmit the information to the participating powers. Under the articles as they stood that was the duty of the secretariat general, and therefore there seemed to be no reason why it should not be done directly by the contracting powers.

The chairman said there was great force in the suggestion made by Sir John Salmond. He would say, with reference to it, that of course the immediate purpose was that, in connection with this conference, those powers which were supposed to be, and in fact were, the powers chiefly interested, should at once record with the secretariat general, by filing a list in the manner indicated, the engagements with respect to China upon which they relied. It was not supposed that the secretariat general would continue after the work of the conference was concluded. There would, however, of necessity, be certain administrative details to be closed. For example, he assumed that they would wish to have the record of their proceedings which would be adopted, and which had already been approved in manuscript by the various secretaries, made up in an

appropriate permanent form, and that that would be under the supervision of the secretariat general. He supposed that, with the utmost speed, it would be impossible to close the work of the secretariat general for a few weeks. He thought it would be quite feasible to have the powers represented file a list of these agreements before that work was concluded. It was, of course, not intended that any provision of the agreement in question should provide for a filing with the secretariat general after the work of the secretariat general's office had appropriately been terminated.

The provision concerning powers adherent to the agreement should have some amplification, of course, so that there would be no notion that other powers which might subsequently adhere would be supposed to file with the secretariat general of this conference the treaties and engagements referred to, for that would be impracticable. The time of the work of the secretariat general would not extend, in all probability, long enough to permit that to be done. There were doubtless provisions which other powers had relating to China, but the fact still remained that the nine powers present were the powers which chiefly and almost exclusively had relations in the East and had certain treaties which they probably could file within a reasonable time, if they adhered to the agreement. As to adhering powers, it should be clear that it was not expected that the adhering powers should file with the secretariat general. So far as the powers present were concerned, it seemed that it would be quite appropriate, as a part of the work of this conference and its winding up, that they should disclose to each other the agreements they had relating to China.

Baron Shidehara said he wished to raise a minor question in regard to the word "conclusion" in the second paragraph of Article I. He wished to know whether this meant the signature of the treaty or the exchange of ratifications--if an exchange of ratifications was required.

The chairman said he supposed, subject to the views of his colleagues, that a treaty was not concluded until it had become effective; the phrase "its coming into force" had also been suggested instead of "conclusion."

Sir Auckland Geddes asked which was the more precise.

The chairman said he would leave that to the mover of the amendment; and asked if the committee was ready to take action on this first article with the change in the second paragraph which had been suggested. He then read the second paragraph:

"Every treaty or other international agreement of the character described, which may be concluded hereafter, shall be notified by the Governments concerned to the powers who are parties or adherents to this agreement within sixty (60) days of the coming into force of such treaty or international agreement."

Sir Auckland Geddes said that surely "conclusion" was the right word there, because if it were supposed that the treaty contained a provision that it only would come into force in certain eventualities, then there would be ambiguity. He added that he felt sure "conclusion" was the proper word.

The chairman pointed out that whatever the conditions of a treaty might be, when it actually became a treaty, this notice should be

given within the time stated. That was in accordance with the constitutional methods. All meant the same thing—"conclusion," "coming into force," "effective," all referred to the time when a treaty became a treaty according to the constitutional method of ratification, and it was a question of which form was preferred. Sir Auckland Geddes thought it should be "concluded"; Baron Shidehara suggested "coming into force." After further discussion, the chairman said that apparently the prevailing opinion seemed to be that the word "conclusion," in view of the committee's agreement as to its meaning, might be retained. If that was so, the second paragraph would read thus:

"Every treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned within 60 days of its conclusion to the powers who are signatories of, or adherents to, this agreement."

Senator Schanzer said that he thought it was important for the members of the committee to have a clear understanding on this point among themselves. The Chair had already explained that it was the general opinion of the committee that treaties should be communicated within 60 days after they became effective, according to the constitutional procedure of the country in question. This interpretation should be clearly worded. If the word "conclusion" was used without the additional phrase "according to the constitutional procedure of each country," the meaning would be vague and confusion might arise as to what "conclusion" meant. In French "conclusion" might mean only that countries agreed to make a treaty, after which came the various intervening steps before the treaty became effective; in the international sense, "conclusion" of a treaty meant its coming into force. He therefore suggested that the wording should be "becomes effective according to the constitutional procedure of each country."

The chairman said that of course the fact that there had been discussion of this point had the advantage that it disclosed the agreement of the committee as to their intent, even if it did give rise to some doubt of their being able to express it, or at least agree in its expression. The intent was to consider a treaty concluded only when it became binding and not to treat it as concluded while it was in any of the stages which fell short of the treaty's becoming effective as a treaty.

Sir Robert Borden asked if he might venture to suggest that, as the word "concluded" had been used already in this article in describing the putting into force of a treaty between two powers, the word "conclusion," so far as the English text was concerned, was a proper term to use, and he thought that the French text might be made to correspond with that, so as to avoid absolutely any ambiguity.

The chairman said there seemed to be opposition to a departure from the present wording of the text, with an understanding that the French text, with the lucidity of the French language, would set forth what they all understood the English text to mean.

Senator Schanzer asked how this would be translated into French, and whether the words "entrer en vigueur" could be used.

The chairman said he thought that in English "conclusion" was the proper word and indicated final ratification.



Senator Schanzer remarked that in the French text the words "entrer en vigueur" could be used.

Mr. Sarraut said it might be translated in that way if desired.

The chairman asked for a vote upon the article, in the form in which it was then stated, and it was unanimously adopted.

The chairman then said that the second article, the text of which had been distributed, had been phrased in the same manner in which it appeared at the last meeting, with the single exception that the words "other than China" had been inserted in the first line. Mr. Balfour, the day before, had proposed an amendment by striking out the words "on which their respective governments propose to rely." The chairman assumed that the second paragraph of the second article would be phrased to correspond to the second paragraph of the first article. So, with the permission of the committee, they would consider that presented in the same form as the second paragraph of the first article.

Discussion, then, was in order upon the first paragraph of the second article; and the chairman thought, merely to give point to the discussion, that the first matter to be considered would be the omission of the words "on which their respective Governments propose to rely."

Mr. Koo said that Article II already appeared very comprehensive and that he therefore would not venture to suggest an amendment did he not feel impressed with the fact that one class of agreements which had apparently been omitted was of very great importance. He had in mind that class of agreements concerning China which were made between a set of nationals of one country and a set of one or more other countries, such as the Anglo-German bankers' arrangement concerning spheres of influence in railway construction in China, concluded September 7, 1898, and such as the international consortium agreement which had been signed, he understood, on October 15, 1920. He realized that it might be difficult to include in the resolution this new class of contracts without complicating it, but conscious of the great importance to China as well as to the countries whose nationals were parties to them, he desired to place his suggestion before the committee with the idea that if it met with approval it might be embodied in Article II. His suggestion was to add after the word "part" in line 6, Article II, the words "or between the nationals of one participating or adhering power and those of another."

The chairman suggested, in order to avoid confusion, that the proposed amendments be taken up separately. The first amendment proposed, the one which had precedence in time, was the one which Mr. Balfour had proposed the day before, to wit, the omission of the words "on which their respective Governments propose to rely." That amendment, therefore, would be considered first. After that had been dealt with, the amendment proposed by Mr. Koo would be presented for discussion.

He then asked the committee what their pleasure was with regard to Mr. Balfour's amendment.

Mr. Sarraut asked if the committee should not begin with the consideration of the most drastic amendment—the amendment which suggested the suppression of the article altogether.

The chairman said he had not heard the amendment suggesting that the article should be suppressed. He did not know who had moved that amendment, as it had not attracted the attention of the Chair. He asked Mr. Sarraut if he had moved the suppression of the article altogether.

Mr. Sarraut said he had not.

The chairman said he had not heard any such amendment suggested. On the contrary, he thought that at the previous meeting there had been general approval of the purpose and sense of the article.

Mr. Sarraut said if there had been no such amendment, of course he would withdraw what he had said. He thought that there had been.

Baron Shidehara said that from the discussion at the previous meeting he was satisfied that Article II was not intended to impose on any power the performance of any obligation that might interfere with the rights of its nationals doing legitimate business in China. Each power, he understood, was merely supposed to communicate the terms of such contracts so far as it was legally permitted and practically able to do so, and no one would be compelled, without due process of law, to produce the text of a contract. After all, therefore, each Government, in giving notification of such contracts, would be guided solely by its sense of justice and good faith. With this understanding it gave him much pleasure to accept the draft of Article II as amended by the omission of the words suggested, i. e., "on which their respective Governments propose to rely."

The chairman asked if there was any objection to the omission of the words "on which their respective Governments propose to rely."

Baron de Cartier observed that his understanding of this article was not very clear. It seemed to him that the mere fact that a Government should notify others of a private contract would give to such a contract a dignity and a status it might not deserve, for though some of them might be good, others might be of indifferent merit or of none at all. Unless those words were stricken out, the Governments would be placed in the position of appearing to give value to a lot of wildcat enterprises and thus do harm to good legitimate business. That evidently constituted a danger and he would like to have this clause thrashed out.

The chairman said that the reason referred to by the Belgian ambassador underlay the proposal of this amendment.

He did not understand that the striking out of those words in any way weakened the article. On the contrary, it extended its scope rather than restricted it. He asked whether there was any objection to the adoption of the amendment. He heard no objection, and assumed that the article was amended accordingly.

The next amendment was that proposed by Mr. Koo, to insert in the sixth line of the first paragraph of Article II, after the words "on the other part," the following: "or between the nationals of one participating or adhering power and those of another."

Mr. Sarraut said he did not know exactly what was meant by Mr. Koo's amendment. He would like to know what its exact scope was intended to be. He asked if it meant that a Government would be called upon to report the contracts concluded between its nationals and the Chinese Government or some local Chinese authority, or be-

tween its nationals and the nationals of another power in regard to China. The attempt to keep track of and list all the contracts covered would lead to endless complications. If Mr. Koo's statement had this meaning, Mr. Sarraut felt he would have to make further remarks in regard to it.

Mr. Koo said that it seemed due from him to add a word of explanation. From the observations of his colleagues it appeared that the possible effect of his proposed amendment had not been understood, so he could not have made himself clear. He had not intended that it should include all classes of agreements between the nationals of different countries which might remotely affect China or to impose on the participating Governments an obligation to report contracts of which they knew nothing. As he had said, he had reference to such agreements as that regarding the international consortium, with which the Governments concerned were not only thoroughly familiar but to which they had given their guarantees of full support. He read the preamble of the international consortium agreement as follows:

"Whereas their respective Governments have undertaken to give their complete support to their respective national groups the parties hereto in all operations undertaken pursuant to the agreement hereinafter contained and have further undertaken that in the event of competition in the obtaining of any specific contracts the collective support of the diplomatic representatives in Peking of the four Governments will be assured to the parties hereto for the purpose of obtaining such control."

Mr. Koo said that his proposed amendment was therefore limited in its scope, not only by the illustration which he had given but by the qualifying language of the article itself.

As for the publication of agreements to which China was a party, it was true that the main task would fall to the Government of China. But, even in regard to this class of agreements there were often uncertainties as to their real scope, validity, or to the question whether an agreement had lapsed or not. For instance, he had referred the other day to a claim based only on the failure of an official to reply. In such cases the Chinese Government could not very well be expected to assume the task of notifying them. But the question under consideration was that class of agreements concluded between nationals of the powers which was not only of great importance to their respective Governments, because they affected their public policy toward China, but to China, to which provisions were particularly directed and in whose territory they were to apply. He hoped that this explanation would make the real purpose of his proposed amendment clearer to the committee.

Mr. Root said that he thought the committee should avoid putting into the resolution provisions which were null and which could not be performed. He thought this was a resolution of that kind. It was all very well to ask it, but it was quite impossible that any power should assume the responsibility of giving notice of contracts by, or between, its nationals, and in which no government took any part. He asked his colleagues to think for a moment of the United States undertaking to notify to anybody all the contracts between citizens of the United States and citizens of Canada. It would manifestly be impossible. No country ought to be asked to do it.

If this amendment were adopted, it would be ineffective and would so far weaken the force, the binding force, of every other provision, that he thought it ought to be avoided.

The real trouble arising from contracts of this kind was the kind of trouble which in many countries would be treated by the laws as an agreement against public policy, such as an agreement not to bid at auction, such as an agreement to partition territory between business houses in order to avoid competition in the marketing of their products. The kind of agreement that Mr. Koo described was something which ought to be dealt with by the laws of China, and which doubtless would be dealt with by the laws of China after China had carried her process of reorganization and stabilization to such a point that it was possible for her to do it.

The real remedy, so far as they could apply any remedy then, would seem to him to be to write into their resolution, not a provision that Governments should give notice of these contracts that they did not know about, but that they should govern their own conduct with reference to them in accordance with what was fair and just. He suggested some such resolution as the following, which was not relevant to this particular subject:

*"Resolved, That the signatory powers will not support any agreement by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory."*

If that were put in—and it was germane to other resolutions which the committee had adopted—then something would have been done toward dealing with these contracts in which individuals undertook to partition China among themselves—a proceeding with which he had no sympathy and with which he thought the laws of China ought to deal with considerable severity, and with which he believed those laws would deal.

Mr. Sarraut said that it was a pleasure for him to pay tribute to Mr. Root's remarks and to his resolution which were further evidence of the sound common sense which they had come to expect from him. He had exposed the mistake which underlay Article II, the spirit of which he had nevertheless incorporated in his own resolution in order to meet the desire, on which they all agreed, to have more publicity. Publicity he believed in and he could agree with Mr. Balfour and his arguments for the use of publicity, but to ask Governments to publish lists of contracts was hardly possible. The carrying out of such a plan was further complicated by the proposed amendment to the article by Mr. Koo. In his own country private individuals could not be made to make their contracts public. It would be easy enough in some cases, as in the case of railways, to obtain information from publications, but what of the other kinds? He asked how Governments were to obtain such information and whether they were to obtain it from newspaper advertisements. That matter, he stated, was not the business of anyone but China. Local authorities were in a position to attend to such matters. It was China's business. The committee had China's integrity in mind and this, he thought, was an integral duty of the Chinese Government. If Article III were adopted, he could not see much to be gained by

Article II. He would be glad, however, to accept Mr. Root's proposal.

The chairman said that in order that the discussion at all times might be brought to a definite point, he wished to suggest that the question was then as to the adoption of Mr. Koo's amendment which proposed the insertion of the words "or between the nationals of one participating or declaring power and those of another."

The resolution proposed by Mr. Root indicated with great clarity the objective which Mr. Koo's amendment sought to attain and was a very direct way of reaching it. That resolution, if agreeable to the members of the committee, could readily be adopted either separately or as another provision of the pending resolution. The argument in support of the resolution proposed by Mr. Root indicated very strongly the objections to the amendment proposed by Mr. Koo. The point was that in the endeavor to reach a class of agreements which, of course, should be made known, the amendment Mr. Koo had proposed had a scope which would probably make it utterly ineffective and very difficult to define, as Mr. Sarraut had pointed out.

The next point was Mr. Root's amendment or proposed resolution, which could be adopted later, as part of the resolutions before the committee or separately, had nothing to do with publicity. It had to do with the refusal of Governments to support agreements which attempted to create spheres of influence, etc. The publicity provisions were in Article II as proposed.

The chairman then said the question was on the amendment offered by Mr. Koo. The chairman had not heard anyone in support of the amendment except Mr. Koo, and asked the committee if the amendment met with favor. He thought, speaking in behalf of the American delegation, and supplementing what had been said by Mr. Root, that the amendment was too broad, that it would defeat its own purpose.

Mr. Koo stated that the general sentiment of the committee did not seem to be in favor of the amendment. The Chinese delegation, therefore, would not insist upon a formal vote being taken on it.

The chairman then said that the question as to the policy of Article II would be presented later. The question of Mr. Root's proposal would be separately considered, as it was a separate amendment. The question was now on amendments to Article II, and he asked for other amendments.

Mr. Koo proposed an amendment to the effect that after the word "ammunition" in the seventh line from the end there should be inserted the words "in time of peace." He assumed that this was the intention of the original wording, and the proposed amendment would merely make it clearer.

The chairman said that he would like to know whether Mr. Koo considered that there was a state of peace or of war in China, before answering his question categorically. The chairman's own view of it was this: That this was intended to apply generally just as it did apply. In other words, the sale of arms or ammunition to China should be known. Of course, speaking personally, the chairman's view was that there should not be sales of arms or ammunition to China which would aid in continuing a condition of internal disorder there, whether or not there was technically a state of peace.

Mr. Koo, fearing that he had not made his view clear, said that what he had in mind was a state of war in international relations. He did not anticipate that China or any others of the powers would be involved in such a war in the near future. But there was no provision for the duration of the agreement if a war in which China might be involved should arise, some embarrassment would almost surely follow if this phrase were not modified.

The chairman asked whether this amendment was supported. He informed Mr. Koo that he found no support for the amendment.

Mr. Koo stated that he did not know whether his colleagues around the table desired, by withholding their support, to imply that even in case of war between China and another power, this prohibition should still apply.

Senator Pearce said that Mr. Koo, in his remarks, seemed to read this clause as a prohibition on the sale of arms and ammunition. He understood this was not a prohibition on the supply or sale of arms or ammunition to the Chinese Government. It was only a provision for the publication of any contract for the supply and sale of arms or ammunition. Therefore it could not be held that this was an agreement of the powers not to supply the Chinese Government with arms or ammunition, as Mr. Koo's remarks seemed to indicate that he thought.

Mr. Koo declared that he had not inferred that any prohibition was implied on the sale of arms or ammunition by any nation to China. The point that he had in mind was that to require the notification to a participating power in time of war to which China might be a party, of all contracts for the purchase of arms or munitions, would be very embarrassing.

The chairman said that he did not wish to interpose any objection to any amendment that was favored by the committee. He heard no statement in support. Those who were near him seemed to favor the article as it stood, without this amendment. He asked whether there was a different view.

Apparently the amendment was not acceptable, if he could judge from the expressions made informally.

Mr. Koo said that the Chinese delegation desired its understanding of this phrase to be recorded as he had stated it. He referred to the phrase for the sale of arms or munitions as it stood, without amendment. The Chinese delegation understood that that phrase did not require the notification of contracts for the purchase of arms in time of war with any participating power.

The chairman asked whether Mr. Koo meant to state that it was the understanding of China that she would not be bound to give notice, as stated, of contracts for the sale of arms or ammunition simply because there was a condition of civil war.

Mr. Koo stated that he did not have that in mind; that that was not intended.

The chairman said that he would put it to vote, because, of course, if the committee were dealing with an amendment which was rejected, it could not be deemed a part of the resolution.

The amendment was lost.

The chairman asked whether there were any other amendments.

Mr. Balfour said that, as he had indicated the day before, he thought, on the whole, it would be advantageous to leave out the

words "or a financial obligation on the part of that Government or of the provinces exceeding \$1,000,000 silver." It seemed to him to be rather outside the general policy which the paragraph was intended to carry out. There was here no question of monopoly; there were no questions, as far as he could see, of undue preference. If these words were retained a statement would be required, through international machinery, of a contract made by either the central government or the provincial governments, for the building of an office, for example, or for transactions of that character. He hardly thought that they came within the general policy of this article; and he had thought, therefore, that if they were not necessary, it would lighten the clause and lighten the obligations which the clause imposed upon all contracting powers, if the words in question were omitted. It was not a matter of fundamental importance, but, on the whole, it seemed to him that the omission would be in the direction of improvement.

The chairman asked if there was objection to this amendment. The significant feature was the breadth of the other provisions of the article. Independently of the clause which Mr. Balfour proposed to strike out, the article covered any concession, franchise, option, or preference with respect to railway constructions, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involved either a lien upon any of the public revenues or properties of the Chinese Central Government or of the several Provinces.

That seemed to cover every category of transaction in respect to which this method of publicity should be followed. If that was so, then this additional clause to which Mr. Balfour's amendment related would have a scope which would bring in other undertakings, not defined in any way except with respect to the fact that the Government, and a certain amount of money, would be involved. Of course, that might be taken to include various descriptions of undertakings not within the policy of the article.

The chairman said that the American delegation had no objection to this amendment, but he would ask the other delegations to express their views.

The delegations, being polled, each assented, and the chairman said that the words "or a financial obligation on the part of that Government or of the Provinces exceeding \$1,000,000 silver" would be struck out.

The chairman asked if there was any other amendment.

Mr. Koo suggested other amendments, which were merely verbal, as follows: In line 6, after subdivisions, the words "or local authorities" should be inserted. In the fifth line from the end in place of the words "or of the several Provinces" the words "or any of its administrative subdivisions" should be inserted; also that the word "central," after "Chinese" and before "Government," should be omitted.

The chairman called for a vote on each of these amendments separately, and there being no dissent, announced that all of them were adopted.

Mr. Koo, fearing that he had not made his view clear, said that what he had in mind was a state of war in international relations. He did not anticipate that China or any others of the powers would be involved in such a war in the near future. But there was no provision for the duration of the agreement if a war in which China might be involved should arise, some embarrassment would almost surely follow if this phrase were not modified.

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Mr. Koo declared that he had not inferred that any prohibition was implied on the sale of arms or ammunition by any nation to China. The point that he had in mind was that to require the notification to a participating power in time of war to which China might be a party, of all contracts for the purchase of arms or munitions, would be very embarrassing.

The chairman said that he did not wish to interpose any objection to any amendment that was favored by the committee. He heard no statement in support. Those who were near him seemed to favor the article as it stood, without this amendment. He asked whether there was a different view.

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The chairman asked whether Mr. Koo meant to state that it was the understanding of China that she would not be bound to give notice, as stated, of contracts for the sale of arms or ammunition simply because there was a condition of civil war.

Mr. Koo stated that he did not have that in mind; that that was not intended.

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The amendment was lost.

The chairman asked whether there were any other amendments.

Mr. Balfour said that, as he had indicated the day before, he thought, on the whole, it would be advantageous to leave out the



words "or a financial obligation on the part of that Government or of the provinces exceeding \$1,000,000 silver." It seemed to him to be rather outside the general policy which the paragraph was intended to carry out. There was here no question of monopoly; there were no questions, as far as he could see, of undue preference. If these words were retained a statement would be required, through international machinery, of a contract made by either the central government or the provincial governments, for the building of an office, for example, or for transactions of that character. He hardly thought that they came within the general policy of this article; and he had thought, therefore, that if they were not necessary, it would lighten the clause and lighten the obligations which the clause imposed upon all contracting powers, if the words in question were omitted. It was not a matter of fundamental importance, but, on the whole, it seemed to him that the omission would be in the direction of improvement.

The chairman asked if there was objection to this amendment. The significant feature was the breadth of the other provisions of the article. Independently of the clause which Mr. Balfour proposed to strike out, the article covered any concession, franchise, option, or preference with respect to railway constructions, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involved either a lien upon any of the public revenues or properties of the Chinese Central Government or of the several Provinces.

That seemed to cover every category of transaction in respect to which this method of publicity should be followed. If that was so, then this additional clause to which Mr. Balfour's amendment related would have a scope which would bring in other undertakings, not defined in any way except with respect to the fact that the Government, and a certain amount of money, would be involved. Of course, that might be taken to include various descriptions of undertakings not within the policy of the article.

The chairman said that the American delegation had no objection to this amendment, but he would ask the other delegations to express their views.

The delegations, being polled, each assented, and the chairman said that the words "or a financial obligation on the part of that Government or of the Provinces exceeding \$1,000,000 silver" would be struck out.

The chairman asked if there was any other amendment.

Mr. Koo suggested other amendments, which were merely verbal, as follows: In line 6, after subdivisions, the words "or local authorities" should be inserted. In the fifth line from the end in place of the words "or of the several Provinces" the words "or any of its administrative subdivisions" should be inserted; also that the word "central," after "Chinese" and before "Government," should be omitted.

The chairman called for a vote on each of these amendments separately, and there being no dissent, announced that all of them were adopted.

Baron de Cartier inquired if the words "on which their respective Governments propose to rely," that he had objected to previously, had been struck out.

The chairman answered in the affirmative, and said that, if there were no other amendments the article would be presented in the following form:

"II. The several powers other than China will file with the secretariat general of the conference at their earliest convenience for transmission to the participating powers a list, as nearly complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities, of the other part, which involve any concession, franchise, option, or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, on which involve a lien upon any of the public revenues or properties of the Chinese Government or any of its administrative subdivisions. There shall be, in the case of each document so listed, either a citation to a published text or a copy of the text itself.

"Every contract of the character described which may be concluded hereafter shall be notified by the Governments concerned within 60 days of its conclusion to the powers who are signatories of or adherents to this agreement."

Jonkheer Beelaerts van Blokland remarked that the obligation to notify to the powers signatory to this agreement, all contracts made by their nationals within 60 days after the conclusion thereof, might in practice raise some difficulties.

This obligation, as mentioned in Article I of the draft resolution, seemed to him quite sensible, because in that case treaties or other international agreements were referred to, which, of course, would be known to the Governments concerned, whereas in the other case contracts might be concluded by foreign merchants in distant Provinces of China, and the Governments concerned might not be cognizant of these contracts in time to permit them to notify within 60 days to other powers as mentioned in the draft resolution. Jonkheer Beelaerts would not suggest a definite space of time, but wanted merely to draw attention to the possibility of 60 days not being sufficient in which to give proper notification. Furthermore, Jonkheer Beelaerts pointed to the difference between the first and the second paragraphs of Article II. In the first paragraph the powers agreed to communicate, at their earliest convenience and as nearly complete as might be possible, a list of existing contracts. In the second paragraph the powers would agree to notify every contract of the character described. This seemed to be an agreement that was going beyond the limits of what the Governments could undertake. The Netherlands Government, at least, could not force its nationals to disclose the features of contracts concluded by them and certainly not to do so immediately.

Jonkheer Beelaerts would not at present suggest a specific amendment, but desired only to bring up the question for the consideration of the committee.

Senator Underwood said that he did not rise to oppose this resolution; but in reference to this particular paragraph he wished to say a word before it was consummated.

He was in hearty accord with the proposal that publicity should be given to those things to which publicity ought to be given, in order that there might be fair dealing between all nations in China; but, as he understood trade conditions along those lines, equal opportunity for all was given where free opportunity for trade existed, and where it existed it was fair for every merchant and every trader to combat in the open market for the profits and opportunities.

The question that disturbed him, in this connection, was that these contracts, these agreements, must be ratified by the respective Governments. The people who would be interested in this question, when the matter came up for ratification, were going to be, as a rule, the great merchant class—the trading class—of the world. His experience—and he had had experience with men of that kind, men of high character—had been that one of the last things they desired to divulge—not so much to the public as to their competitors—was their contracts and their trade secrets which were involved in their contracts.

The committee was going so far as not only to clear up the situation resulting from the past in order that a fresh start might be made, but also to require of the Governments of the world that, whether they could do it or not, they should make efforts in good faith to carry out what was agreed upon in the committee and to lay before the balance of the world all contracts in reference to trade. He meant those contracts which came within the scope of this very broad paper, and he was apprehensive that some difficulties and some objections might arise, because men who might not have any ulterior motives whatever might not want to show to the world the terms of their trade contracts. Of course, he was not a trader, and he knew nothing about this himself, but in the experience he had had as chairman of the committee that wrote the customs revenue bills of the United States, he had found that the most difficult information that he had had to obtain, from men of character, men of honesty of purpose, men of great business standing, was the secrets of their trade. There might be nothing in it; it might not cause any trouble. He was perfectly willing to accept the decision of the committee, but he wished to say that he thought there was some doubt as to whether the committee should go this far and as to what effect the committee, in reaching this agreement, might have on the great commerce managers of the world.

Mr. Root said that he fully agreed with what Senator Underwood had just said about requiring that publicity be given trade agreements. It was clear, to his mind, that this was not the purpose of this article. He thought the article was aimed at a distinct class of contracts with which probably all the countries represented had to deal, namely, contracts in which, upon one side, there was a government officer executing a trust for the public. In regard to these, the only practical method yet discovered to secure honesty and fairness and just representation of the public had been to make the official acts of the representatives of the public known to the world. He had known and followed from time to time and had had to do

with the history of the effort to bring this about in this country. Contracts which could be made in secret, without any exhibition of the grounds, were a little too much for official integrity in any country, bar none. The only way in which it had been possible, in the United States, to secure real fairness in the allotting of public contracts, so that they would not go by favor to A rather than B, or that they would not go to C by reason of some secret and sinister inducement, had been to require that they be made public, by providing that bids should be invited upon a full statement of what the contract proposed, that the bids should be opened and made public, and then that the contract should be awarded in such a way that, if it was not in accordance with the bid, it would be known.

This was a matter about which there had been great trouble in China and with which the Government of China doubtless would deal now by law. It was a matter with which, undoubtedly, a few years hence, when the Government of China had been consolidated and stabilized, and had acquired that control over all public affairs throughout the territory of China to which it would be entitled, there would be law and force to cover all this subject.

What was being attempted now, however, was to help, so far as possible, the development of government in China, by means of self-denying ordinances through which the powers represented on the committee tried to restrain their own nationals from taking advantage of the disturbed conditions to secure preferences and advantages which would be injurious to China herself. He understood this article to be merely an indirect way of making it certain that public contracts, made by public officers of whatever kind in China, would be public, and that there would be that check upon the transaction of public business which, some time or other, China would provide for by her own laws. If this article went beyond that and infringed upon trade, then it ought to be scrutinized and ought to be changed. If there was any doubt about it being confined to that class of contracts which he had been trying to describe, and if there was danger that it might be construed to apply to the kind of contracts that Senator Underwood had described, then there ought to be some change in it. It seemed to him, however, to be pretty well guarded, pretty carefully limited to the class of public contracts.

Senator Schanzer said that the Italian delegation had given its full adherence to the principle of the "open door" and accepted Article II with the proposed amendments.

He must, however, make a few observations. If it was their desire to attain the widest publicity for the agreements, treaties, etc., they should place the Governments in such a position that they might be able to act in accordance with the article in question. If they rendered it practically impossible for the Governments to fulfill the obligations they would assume according to this article, they would endanger the application of the principle that they wished to uphold.

Indeed the difference was great between the first and the second articles. In the case of the first, each Government knew exactly the date at which a treaty, agreement, etc., became effective; in the second, that is to say in the case of private contracts, it was impossible for the various Governments to be immediately informed of them.

He therefore felt constrained to make a reservation as to the formula which had just been proposed. He would rather use some

sentence like the following: "The notification shall take place within sixty (60) days of the date when the contracting powers shall have been informed of the said contracts."

Mr. Kammerer said that the observations made by both Senator Underwood and Mr. Root explained the views of all the delegates as to the difficulty of obtaining information with regard to private contracts and of supplying the same to the secretary general or whoever might be selected to receive it. Senator Root has insisted on publicity and everyone would agree with him, but publicity was already assured for all great public enterprises, railways, etc. The newspapers published everything. It seemed to him, therefore, that Article II was rather weak and not at all indispensable. The required publicity was assured by Article III, and who would deny that the greater part of the task would fall to China.

He added that he would make no objection to the adoption of Article II if all wanted it, but he thought the views already expressed should be taken into consideration and that he must agree with the Italian and Netherlands delegates in their position.

The chairman said that he wished the committee could assume that contracts of the sort described in this second paragraph were sure to be known. His understanding was that there were secret clauses in contracts of this description which, from time to time, were brought to light and which indicated the value of a full disclosure. There were important railway contracts, for example, in which, if he was correctly informed, there were clauses which had not been made public, and which, from time to time in the course of diplomatic intercourse, had apparently furnished grounds for representations. It was that sort of thing which it was very desirable should be avoided in dealing, as Mr. Root had explained, not with private citizens, but with the Government of China or its administrative subdivisions.

He quite agreed that this did not go beyond official contracts, public contracts, on the part of China or its subdivisions. Of course the resolution did not require the impossible. The suggestion made by Mr. Jonkheer van Blokland, approved by Senator Schanzer and Mr. Kammerer, was a most important one. Certainly there should be no duty apparently imposed on any Government which it could not fully discharge. He understood that Senator Schanzer's suggested amendment was that the second paragraph should read as follows:

"Every contract of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to the agreement."

The chairman asked if there was any objection to that amendment.

No objection was made.

The chairman continued that Mr. Root had also suggested the amendment of this clause by the insertion of the word "public" before the word "character," so that it would read "Every contract of a public character described," and asked if there was any objection to that amendment.

No objection was made.

The chairman then asked if the committee was ready to act upon the article.

Senator Underwood said that he had no objection to the adoption of this article as it stood, in reference to public contracts. Where Governments were making contracts of a public character it was, of course, of great importance to the nationals of the country making the contracts to have it given publicity. Of course, when it came to the nationals of other countries, which did not have to stand the burden of the contract made by the home government, or of other Governments, those same reasons did not apply.

In view of the fact that the powers represented on the committee were not endeavoring to help themselves, but to aid China, and that China had no laws at present to give publicity to this class of contracts, he realized that an agreement by the committee to give publicity might be of great help to China. As to giving publicity to these public contracts along that line, he was heartily in accord, and therefore he was willing to accept the proposal as it stood.

The only thing that he had in mind—and he still had it in mind—was that when it came to the ordinary trade of the world, or of a country, where it was along legitimate lines, where governments were not directly involved, and the rights of all the people or nationals of the country were not involved, efforts to put restrictions on trade undoubtedly slowed the commerce of the world and the opportunity for development, and he would regret to see anything of that kind happen in China.

He thought that one of the difficulties that China was resting under to-day was the restriction on Chinese trade, such as some of its internal taxes, like likin. He thought one of the reasons for the great progress of the United States of America had been that between the Atlantic and the Pacific Oceans there were no governmental restrictions on trade, and, when the committee was dealing with China, it should be careful not to attempt to make restrictions of any kind that would prevent the future development of trade throughout the great Republic of China.

But as the resolution now stood, it did not seem on its face to affect anything but governmental contracts, and therefore he had no objection to it.

The chairman asked whether the committee was ready to act on the articles. The delegations being polled, each voted in the affirmative, and the chairman announced that Article II had been unanimously adopted.

The chairman then read Article III, as follows:

"The Chinese Government undertakes to notify promptly in the manner laid down in this agreement every Treaty Agreement or Contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any Local Authority in China with any foreign Power or the nationals of any foreign Power whether party to this Agreement or not, so far as the information is in its possession."

The chairman asked whether China accepted this.

Mr. Koo said that it was quite acceptable to the Chinese delegation; he wished to suggest a purely verbal change. Instead of "un-

undertakes to notify promptly in the manner laid down " he suggested the words " agrees to notify in the conditions laid down."

The chairman asked if there was any objection to that amendment, and added that he heard none expressed.

The other delegations being polled, each assented, and the chairman announced that Article III had been unanimously adopted.

The chairman then read Article IV, as follows:

" The Governments of Powers having treaty relations with China, which are not represented at the present Conference, shall be invited to adhere to this agreement.

" The United States Government, as convener of the Conference, undertakes to communicate this agreement to the Governments of the said Powers, with a view to obtaining their adherence thereto as soon as possible."

The delegations, being polled, each voted in the affirmative, and the chairman announced that Article IV was unanimously adopted.

The chairman then said that Mr. Root's separate resolution could be taken up and read it, as follows:

" *Resolved*, That the Signatory Powers will not support any agreements by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory."

He asked whether there were any objections to that.

Baron Shidehara asked if the subject matter of the resolution just read was not already covered by the open-door resolution.

The chairman said that the distinction—if he might answer Baron Shidehara's question, subject to any correction by the mover of the resolution—was that it related not to agreements by Governments, but to agreements between nationals and the support of such agreements by Governments.

It might well be deemed to be within the spirit, indeed it was within the spirit and principle of the resolutions already adopted, but it involved a definite statement of a particular matter which was to bind the consciences of the Governments.

Mr. Root stated that he thought the clause now before the committee covered a ground that was not covered by the open-door resolution already adopted. That resolution contained an agreement of the powers (a) not to seek or to support their nationals in seeking any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region: (b) not to seek or support their nationals in seeking any such monopoly or preference which would deprive other nationals of the right of undertaking any legitimate trade or industry in China. The present resolution provided that the signatory powers would not support any agreements by their nationals with each other designed to create spheres of influence or to provide for the enjoyment of exclusive opportunities in designated parts of Chinese territory. Mr. Root declared that it was virtually aimed at the kind of proceeding which was illustrated by the rules of law against agreements between bidders at public auctions. If he were to agree with Mr. X. that Mr. X. would not bid and that he (Mr. Root) should have the opportunity to bid upon lots A, B, and C, and would not bid on lots D, E, and F

while Mr. X. should have the opportunity to bid on those lots free from Mr. Root's competition, that would be obnoxious and would be a procedure denounced by the laws certainly of Great Britain and the United States, and, he presumed, of civilized countries generally.

Mr. Root added that the resolution now before the committee was called forth by consideration of the agreement between bankers in 1898. At that time British and German bankers made an agreement—following principles and practices from which great advance has now been made—to a practice indicated in the agreement which he read as follows: “ \* \* \* it is desirable for the British and German Governments to agree about the spheres of interest of the two countries regarding railways constructed in China, and to mutually support the interest of either country.”

Mr. Root interrupted his reading to say that this was the point, and continued reading, as follows:

“1. British sphere of interest, viz:

“The Yangtze Valley subject to the connection of the Shantung lines to the Yangtze at Chinkiang; the Provinces south of the Yangtze; the Province of Shansi, with connection to the Peking-Hankow lines at a point south of Chengting and a connecting line to the Yangtze Valley, crossing the Hoangho Valley.

“2. German sphere of interest, viz:

“The Province of Shantung and the Hoangho Valley with connection to the Yangtze at Chinkiang or Nanking. The Hoangho Valley is understood to be subject to the connecting lines in Shansi forming part of the British sphere of interest, and to the connecting line to the Yangtze Valley, also belonging to the said sphere of interest.”

That kind of agreement, Mr. Root said, dealt with the opportunities of the people in the agreement itself; and he was of the opinion that no two groups of bankers ought to be able to commit their Governments in that way, and that it ought to be understood that they could not.

That was quite a different thing from excluding outsiders. They might make an agreement, one party excluding itself from such a territory and the other excluding itself from such another territory; and if they could do that, and have the support of governments, all this business the committee was doing would go to pieces. That was the way spheres of interest were created. If the committee wanted to stop it, it should give notice to bankers and whatnot that they would not have the support of Governments in parceling out opportunities between themselves; which was quite a different thing from the exclusion of outsiders.

Baron Shidehara said that he thought Article I of the agreement on the open door was sufficient to forbid Government support of agreements entered into by individuals or groups with the design to create spheres of influence; that the words “any arrangement” covered the point.

Mr. Balfour said that it was evidently a question of some nicety, but he would point out, merely as a practical suggestion to his colleagues, that, as the worst that had been alleged against this resolution was that it repeated what had already been said, and as no other criticisms were brought against it, he would think that, without doing any damage, either to this particular treaty or to any of the



work of the conference in general, the committee might accept Mr. Root's resolution as it stood.

The chairman inquired if the committee were ready to act upon this resolution, and declared that the United States of America assented.

The other delegations all assented in turn, and the chairman declared the resolution unanimously adopted.

The resolutions as finally adopted read as follows:

"The Powers represented in this Conference, considering it desirable that there should hereafter be full publicity with respect to all matters affecting the political and other international obligations of China and of the several Powers in relation to China, are agreed as follows:

"I. The several Powers other than China will at their earliest convenience file with the Secretariat General of the Conference for transmission to the participating Powers, a list of all treaties, conventions, exchange of notes, or other international agreements which they may have with China, or with any other Power or Powers in relation to China, which they deem to be still in force and upon which they may desire to rely. In each case, citations will be given to any official or other publication in which an authoritative text of the documents may be found. In any case in which the document may not have been published, a copy of the text (in its original language or languages) will be filed with the Secretariat General of the Conference.

"Every Treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days of its conclusion to the Powers who are signatories of or adherents to this agreement.

"II. The several Powers other than China will file with the Secretariat General of the Conference at their earliest convenience for transmission to the participating Powers a list, as nearly complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities, of the other part, which involve any concession, franchise, option or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involve a lien upon any of the public revenues or properties of the Chinese Government or of any of its administrative subdivisions. There shall be, in the case of each document so listed, either a citation to a published text, or a copy of the text itself.

"Every contract of the public character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to this agreement.

"III. The Chinese Government agrees to notify in the conditions laid down in this agreement every treaty agreement or contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any local authority in China with any foreign Power or the nationals of any foreign Power

whether party to this agreement or not, so far as the information is in its possession.

"IV. The Governments of Powers having treaty relations with China, which are not represented at the present Conference, shall be invited to adhere to this agreement.

"The United States Government, as convener of the Conference, undertakes to communicate this agreement to the Governments of the said Powers, with a view to obtaining their adherence thereto as soon as possible."

ADDITIONAL RESOLUTION MOVED BY MR. ROOT.

"Resolved, That the Signatory Powers will not support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of exclusive opportunities in designated parts of Chinese territory."

The committee then adjourned until January 23, 1922, at 11 o'clock a. m.

TWENTY-FOURTH MEETING—MONDAY, JANUARY 23, 1922, 11 A. M.

PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray, Mr. Poole.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. le Tellier, Mr. Tilmont.

*British Empire.*—Mr. Balfour, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Mr. Lampson, Mr. Bajpai, Sir H. Llewellyn Smith.

*China.*—Mr. Koo, Mr. Sze, Dr. Wang. Accompanied by Dr. Hawking Yen, Mr. Zee, Mr. Koo, Dr. M. T. Z. Tyau.

*France.*—Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Touzet, Mr. Ponsot, Mr. Garnier.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Mr. Shidehara, Mr. Hanihara. Accompanied by Mr. Matsudaira, Mr. Saburi, Mr. Kimura, Mr. Sawada.

*Portugal.*—Viscount d'Alte, Capt. Vasconcelles.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starckenborgh, Mr. de Kat Angelino.

The secretary general, assisted by Mr. Cresson, Mr. Paul, and Mr. Osborne. Mr. Camerlynck, interpreter.

1. The twenty-fourth meeting of the Committee on Pacific and Far Eastern Questions met on Monday, January 23, 1922, at 11 a. m., in the Columbus Room of the Pan American Building.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia),

work of the conference in general, the committee might accept Mr. Root's resolution as it stood.

The chairman inquired if the committee were ready to act upon this resolution, and declared that the United States of America assented.

The other delegations all assented in turn, and the chairman declared the resolution unanimously adopted.

The resolutions as finally adopted read as follows:

"The Powers represented in this Conference, considering it desirable that there should hereafter be full publicity with respect to all matters affecting the political and other international obligations of China and of the several Powers in relation to China, are agreed as follows:

"I. The several Powers other than China will at their earliest convenience file with the Secretariat General of the Conference for transmission to the participating Powers, a list of all treaties, conventions, exchange of notes, or other international agreements which they may have with China, or with any other Power or Powers in relation to China, which they deem to be still in force and upon which they may desire to rely. In each case, citations will be given to any official or other publication in which an authoritative text of the documents may be found. In any case in which the document may not have been published, a copy of the text (in its original language or languages) will be filed with the Secretariat General of the Conference.

"Every Treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days of its conclusion to the Powers who are signatories of or adherents to this agreement.

"II. The several Powers other than China will file with the Secretariat General of the Conference at their earliest convenience for transmission to the participating Powers a list, as nearly complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities, of the other part, which involve any concession, franchise, option or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involve a lien upon any of the public revenues or properties of the Chinese Government or of any of its administrative subdivisions. There shall be, in the case of each document so listed, either a citation to a published text, or a copy of the text itself.

"Every contract of the public character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to this agreement.

"III. The Chinese Government agrees to notify in the conditions laid down in this agreement every treaty agreement or contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any local authority in connection with any foreign Power or the nationals of any foreign Power.

and mind, after a career of the greatest usefulness amidst the respect, admiration and affection of the people among whom he lived.

A little over 60 years had passed since, as a youth just out of the university, Lord Bryce had published his work on the Holy Roman Empire; and only last year he had published a great work, the fruits of immense labor and research, upon Modern Democracy. Until his death he had been actually engaged, at 84 years of age, in the beginnings of a new work, upon the life and times of Justinian.

Mr. Root thought that Lord Bryce brought to bear most unusual qualities upon the most serious and difficult problem of the time—the problem with which this committee themselves were dealing. He had great learning, wide and varied experience, the intellectual penetration for which his people, the people of Scotland, had always been distinguished, infinite capacity for taking trouble, and a genuine, sympathetic interest with all people everywhere in the world who were trying to secure better conditions through government. Thus he came to have the best understanding of the different modes of thought and feeling among the peoples of different countries of any man whom Mr. Root had ever met. He did not simply expect that friendship should be made and friendly intercourse carried on with the people of other countries, through an acceptance of the mode of thought and feeling of his own native country, but he studied, sympathetically, the traditions, the customs, the necessary postulates of other civilizations and other lands and other experiences, so that his sympathy with the modes of thought, the feelings, the prejudices of the people of other countries made really friendly intercourse between him and them possible. It was that which enabled him to write the very great book upon The American Commonwealth to which the chairman had referred. Lord Bryce went himself, personally, all over the world, to try to get correct ideas about other peoples, to get a correct judgment; he talked with all kinds and conditions of men in all countries in order to get a right understanding; he had the deepest sympathy with all of the troubles and struggles of all of the people in the countries where he went; and he had, beyond all other men of their time, or at any time, Mr. Root ventured to say, illustrated the true process of true international friendship. Lord Bryce had built his life into the growth of the great community of nations as an influence which would last long after his name was forgotten and long after those present had all passed away.

Mr. Jusserand said, that as he happened to be, with his colleague of Portugal, one of the few diplomats accredited to the United States who had the honor of having Lord Bryce as a colleague, he wished to say how sincerely he concurred in the very able words which had fallen from the lips of the present Secretary of State and the former Secretary of State, Mr. Root.

It was his privilege to know Lord Bryce many years; it was indeed an education to know him. His knowledge was universal. Mr. Jusserand remembered that upon the occasion of the publication of the eleventh edition of the Encyclopedia Britannica he asked Lord Bryce whether he had subscribed. His reply was "What's the use?" "That is true," Mr. Jusserand said, "for you, since you are sure to know practically all there is in it."

words "or a financial obligation on the part of that Government or of the provinces exceeding \$1,000,000 silver." It seemed to him to be rather outside the general policy which the paragraph was intended to carry out. There was here no question of monopoly; there were no questions, as far as he could see, of undue preference. If these words were retained a statement would be required, through international machinery, of a contract made by either the central government or the provincial governments, for the building of an office, for example, or for transactions of that character. He hardly thought that they came within the general policy of this article: and he had thought, therefore, that if they were not necessary, it would lighten the clause and lighten the obligations which the clause imposed upon all contracting powers, if the words in question were omitted. It was not a matter of fundamental importance, but, on the whole, it seemed to him that the omission would be in the direction of improvement.

The chairman asked if there was objection to this amendment. The significant feature was the breadth of the other provisions of the article. Independently of the clause which Mr. Balfour proposed to strike out, the article covered any concession, franchise, option, or preference with respect to railway constructions, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involved either a lien upon any of the public revenues or properties of the Chinese Central Government or of the several Provinces.

That seemed to cover every category of transaction in respect to which this method of publicity should be followed. If that was so, then this additional clause to which Mr. Balfour's amendment related would have a scope which would bring in other undertakings, not defined in any way except with respect to the fact that the Government, and a certain amount of money, would be involved. Of course, that might be taken to include various descriptions of undertakings not within the policy of the article.

The chairman said that the American delegation had no objection to this amendment, but he would ask the other delegations to express their views.

The delegations, being polled, each assented, and the chairman said that the words "or a financial obligation on the part of that Government or of the Provinces exceeding \$1,000,000 silver" would be struck out.

The chairman asked if there was any other amendment.

Mr. Koo suggested other amendments, which were merely verbal, as follows: In line 6, after subdivisions, the words "or local authorities" should be inserted. In the fifth line from the end in place of the words "or of the several Provinces" the words "or any of its administrative subdivisions" should be inserted; also that the word "central," after "Chinese" and before "Government," should be omitted.

The chairman called for a vote on each of these amendments separately, and there being no dissent, announced that all of them were adopted.

Baron de Cartier inquired if the words "on which their respective Governments propose to rely," that he had objected to previously, had been struck out.

The chairman answered in the affirmative, and said that, if there were no other amendments the article would be presented in the following form:

"II. The several powers other than China will file with the secretariat general of the conference at their earliest convenience for transmission to the participating powers a list, as nearly complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities, of the other part, which involve any concession, franchise, option, or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, on which involve a lien upon any of the public revenues or properties of the Chinese Government or any of its administrative subdivisions. There shall be, in the case of each document so listed, either a citation to a published text or a copy of the text itself.

"Every contract of the character described which may be concluded hereafter shall be notified by the Governments concerned within 60 days of its conclusion to the powers who are signatories of or adherents to this agreement."

Jonkheer Beelaerts van Blokland remarked that the obligation to notify to the powers signatory to this agreement, all contracts made by their nationals within 60 days after the conclusion thereof, might in practice raise some difficulties.

This obligation, as mentioned in Article I of the draft resolution, seemed to him quite sensible, because in that case treaties or other international agreements were referred to, which, of course, would be known to the Governments concerned, whereas in the other case contracts might be concluded by foreign merchants in distant Provinces of China, and the Governments concerned might not be cognizant of these contracts in time to permit them to notify within 60 days to other powers as mentioned in the draft resolution. Jonkheer Beelaerts would not suggest a definite space of time, but wanted merely to draw attention to the possibility of 60 days not being sufficient in which to give proper notification. Furthermore, Jonkheer Beelaerts pointed to the difference between the first and the second paragraphs of Article II. In the first paragraph the powers agreed to communicate, at their earliest convenience and as nearly complete as might be possible, a list of existing contracts. In the second paragraph the powers would agree to notify every contract of the character described. This seemed to be an agreement that was going beyond the limits of what the Governments could undertake. The Netherlands Government, at least, could not force its nationals to disclose the features of contracts concluded by them and certainly not to do so immediately.

Jonkheer Beelaerts would not at present suggest a specific amendment, but desired only to bring up the question for the consideration of the committee.

Senator Underwood said that he did not rise to oppose this resolution; but in reference to this particular paragraph he wished to say a word before it was consummated.

He was in hearty accord with the proposal that publicity should be given to those things to which publicity ought to be given, in order that there might be fair dealing between all nations in China; but, as he understood trade conditions along those lines, equal opportunity for all was given where free opportunity for trade existed, and where it existed it was fair for every merchant and every trader to combat in the open market for the profits and opportunities.

The question that disturbed him, in this connection, was that these contracts, these agreements, must be ratified by the respective Governments. The people who would be interested in this question, when the matter came up for ratification, were going to be, as a rule, the great merchant class—the trading class—of the world. His experience—and he had had experience with men of that kind, men of high character—had been that one of the last things they desired to divulge—not so much to the public as to their competitors—was their contracts and their trade secrets which were involved in their contracts.

The committee was going so far as not only to clear up the situation resulting from the past in order that a fresh start might be made, but also to require of the Governments of the world that, whether they could do it or not, they should make efforts in good faith to carry out what was agreed upon in the committee and to lay before the balance of the world all contracts in reference to trade. He meant those contracts which came within the scope of this very broad paper, and he was apprehensive that some difficulties and some objections might arise, because men who might not have any ulterior motives whatever might not want to show to the world the terms of their trade contracts. Of course, he was not a trader, and he knew nothing about this himself, but in the experience he had had as chairman of the committee that wrote the customs revenue bills of the United States, he had found that the most difficult information that he had had to obtain, from men of character, men of honesty of purpose, men of great business standing, was the secrets of their trade. There might be nothing in it; it might not cause any trouble. He was perfectly willing to accept the decision of the committee, but he wished to say that he thought there was some doubt as to whether the committee should go this far and as to what effect the committee, in reaching this agreement, might have on the great commerce managers of the world.

Mr. Root said that he fully agreed with what Senator Underwood had just said about requiring that publicity be given trade agreements. It was clear, to his mind, that this was not the purpose of this article. He thought the article was aimed at a distinct class of contracts with which probably all the countries represented had to deal, namely, contracts in which, upon one side, there was a government officer executing a trust for the public. In regard to these, the only practical method yet discovered to secure honesty and fairness and just representation of the public had been to make the official acts of the representatives of the public known to the world. He had known and followed from time to time and had had to do

with the history of the effort to bring this about in this country. Contracts which could be made in secret, without any exhibition of the grounds, were a little too much for official integrity in any country, bar none. The only way in which it had been possible, in the United States, to secure real fairness in the allotting of public contracts, so that they would not go by favor to A rather than B, or that they would not go to C by reason of some secret and sinister inducement, had been to require that they be made public, by providing that bids should be invited upon a full statement of what the contract proposed, that the bids should be opened and made public, and then that the contract should be awarded in such a way that, if it was not in accordance with the bid, it would be known.

This was a matter about which there had been great trouble in China and with which the Government of China doubtless would deal now by law. It was a matter with which, undoubtedly, a few years hence, when the Government of China had been consolidated and stabilized, and had acquired that control over all public affairs throughout the territory of China to which it would be entitled, there would be law and force to cover all this subject.

What was being attempted now, however, was to help, so far as possible, the development of government in China, by means of self-denying ordinances through which the powers represented on the committee tried to restrain their own nationals from taking advantage of the disturbed conditions to secure preferences and advantages which would be injurious to China herself. He understood this article to be merely an indirect way of making it certain that public contracts, made by public officers of whatever kind in China, would be public, and that there would be that check upon the transaction of public business which, some time or other, China would provide for by her own laws. If this article went beyond that and infringed upon trade, then it ought to be scrutinized and ought to be changed. If there was any doubt about it being confined to that class of contracts which he had been trying to describe, and if there was danger that it might be construed to apply to the kind of contracts that Senator Underwood had described, then there ought to be some change in it. It seemed to him, however, to be pretty well guarded, pretty carefully limited to the class of public contracts.

Senator Schanzer said that the Italian delegation had given its full adherence to the principle of the "open door" and accepted Article II with the proposed amendments.

He must, however, make a few observations. If it was their desire to attain the widest publicity for the agreements, treaties, etc., they should place the Governments in such a position that they might be able to act in accordance with the article in question. If they rendered it practically impossible for the Governments to fulfill the obligations they would assume according to this article, they would endanger the application of the principle that they wished to uphold.

Indeed the difference was great between the first and the second articles. In the case of the first, each Government knew exactly the date at which a treaty, agreement, etc., became effective; in the second, that is to say in the case of private contracts, it was impossible for the various Governments to be immediately informed of them.

He therefore felt constrained to make a reservation as to the formula which had just been proposed. He would rather use some



sentence like the following: "The notification shall take place within sixty (60) days of the date when the contracting powers shall have been informed of the said contracts."

Mr. Kammerer said that the observations made by both Senator Underwood and Mr. Root explained the views of all the delegates as to the difficulty of obtaining information with regard to private contracts and of supplying the same to the secretary general or whoever might be selected to receive it. Senator Root has insisted on publicity and everyone would agree with him, but publicity was already assured for all great public enterprises, railways, etc. The newspapers published everything. It seemed to him, therefore, that Article II was rather weak and not at all indispensable. The required publicity was assured by Article III, and who would deny that the greater part of the task would fall to China.

He added that he would make no objection to the adoption of Article II if all wanted it, but he thought the views already expressed should be taken into consideration and that he must agree with the Italian and Netherlands delegates in their position.

The chairman said that he wished the committee could assume that contracts of the sort described in this second paragraph were sure to be known. His understanding was that there were secret clauses in contracts of this description which, from time to time, were brought to light and which indicated the value of a full disclosure. There were important railway contracts, for example, in which, if he was correctly informed, there were clauses which had not been made public, and which, from time to time in the course of diplomatic intercourse, had apparently furnished grounds for representations. It was that sort of thing which it was very desirable should be avoided in dealing, as Mr. Root had explained, not with private citizens, but with the Government of China or its administrative subdivisions.

He quite agreed that this did not go beyond official contracts, public contracts, on the part of China or its subdivisions. Of course the resolution did not require the impossible. The suggestion made by Mr. Jonkheer van Blokland, approved by Senator Schanzer and Mr. Kammerer, was a most important one. Certainly there should be no duty apparently imposed on any Government which it could not fully discharge. He understood that Senator Schanzer's suggested amendment was that the second paragraph should read as follows:

"Every contract of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to the agreement."

The chairman asked if there was any objection to that amendment.

No objection was made.

The chairman continued that Mr. Root had also suggested the amendment of this clause by the insertion of the word "public" before the word "character," so that it would read "Every contract of a public character described," and asked if there was any objection to that amendment.

No objection was made.

The chairman then asked if the committee was ready to act upon the article.

Senator Underwood said that he had no objection to the adoption of this article as it stood, in reference to public contracts. Where Governments were making contracts of a public character it was, of course, of great importance to the nationals of the country making the contracts to have it given publicity. Of course, when it came to the nationals of other countries, which did not have to stand the burden of the contract made by the home government, or of other Governments, those same reasons did not apply.

In view of the fact that the powers represented on the committee were not endeavoring to help themselves, but to aid China, and that China had no laws at present to give publicity to this class of contracts, he realized that an agreement by the committee to give publicity might be of great help to China. As to giving publicity to these public contracts along that line, he was heartily in accord, and therefore he was willing to accept the proposal as it stood.

The only thing that he had in mind—and he still had it in mind—was that when it came to the ordinary trade of the world, or of a country, where it was along legitimate lines, where governments were not directly involved, and the rights of all the people or nationals of the country were not involved, efforts to put restrictions on trade undoubtedly slowed the commerce of the world and the opportunity for development, and he would regret to see anything of that kind happen in China.

He thought that one of the difficulties that China was resting under to-day was the restriction on Chinese trade, such as some of its internal taxes, like *likin*. He thought one of the reasons for the great progress of the United States of America had been that between the Atlantic and the Pacific Oceans there were no governmental restrictions on trade, and, when the committee was dealing with China, it should be careful not to attempt to make restrictions of any kind that would prevent the future development of trade throughout the great Republic of China.

But as the resolution now stood, it did not seem on its face to affect anything but governmental contracts, and therefore he had no objection to it.

The chairman asked whether the committee was ready to act on the articles. The delegations being polled, each voted in the affirmative, and the chairman announced that Article II had been unanimously adopted.

The chairman then read Article III, as follows:

"The Chinese Government undertakes to notify promptly in the manner laid down in this agreement every Treaty Agreement or Contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any Local Authority in China with any foreign Power or the nationals of any foreign Power whether party to this Agreement or not, so far as the information is in its possession."

The chairman asked whether China accepted this.

Mr. Koo said that it was quite acceptable to the Chinese delegation; he wished to suggest a purely verbal change. Instead of "un-

be returned to the Chinese Government. It was only on account of present existing conditions in China that the consideration of this matter was delayed. There must be a consideration of it in the future between the nations with whom China had made treaties. Senator Underwood said he was sure that the people of the United States, when the time should come to speak through their representatives, would be more than glad to return to China the entire control of her customs revenues. He thought he could say to the people of the United States, that, in the end, the spirit of the Twentieth Century would prevail, and every government represented at the conference table would be only too glad when the time came to recognize the sovereign rights of China in this way. It seemed to him, however, that the matter having been temporarily concluded, while the other matters referred to, as he understood them, were of a nature that rests between governments, there could be no end to their labors if they should go into every separate contract, or into a number of them, except where they might involve the principle already laid down, concerning the sovereignty of China or her territorial integrity.

Senator Underwood said that he made this statement because he had the utmost sympathy with the Chinese people, and had the desire to help them on to the place that he felt sure they could achieve for themselves in time; i. e., the return of a stable parliamentary government, controlling their own affairs amongst the nations of the world. He thought the time had come, within reasonable limitations, when this conference ought to approach its end. He felt they ought to work toward a conclusion. The work of the conference had been a great work. It had accomplished great results for the world, and, in his judgment, it was most unwise to throw a cloud over the great things that had already been accomplished by this congress of nations, through a beclouding of the public mind of the world by a discussion of an infinite number of small details. Therefore, although, as far as he was concerned, he did not control these matters, he hoped that he could expect from the representatives of the Chinese Government their aid in facilitating an early conclusion of the labors of the conference.

Mr. Koo said that in view of the observations just made, he wished to assure the chairman that nothing could be further from the minds of the Chinese delegates than to insist on a discussion of anything brought up by the Chinese delegation. He had named paragraphs 6 and 7 because the chairman had been good enough to propose that such subjects as the Chinese delegation wished to have discussed, be brought up, and because, as he understood it, the whole subject of the 10 principles had been accepted as a basis of discussion. If, however, the committee felt that any point was not a fitting subject for discussion, the Chinese delegation was glad to accept this view. He wished to say again that there was no intention whatever of examining every commitment and attempting to reconcile them with each other and with the principles laid down by the committee. He simply wished that some machinery be established to prevent conflicts and to settle controversies which the various Governments might not be able to settle between them by means of diplomacy.

Mr. Koo added that as regarded the tariff, the Chinese delegation greatly appreciated the spirit in which Senator Underwood

The chairman said that he had no desire to put the slightest obstruction in the way of any reasonable request or to prevent the fullest opportunity for discussion. He desired, however, to point out that the committee could not proceed with the discussion of paragraph 6 unless the particular commitments to which it referred were known. He spoke merely in the interest of precision and to aid the progress of the committee's work.

He believed that paragraph 6 assumed that the commitments to which reference had been made were valid commitments, because it assumed that they were to continue at least for a fixed term. It was assumed in paragraph 6, he thought, that they were commitments which, apart from the question of time limit, China did not desire to challenge.

Since that was so and since these commitments existed apparently between at least two parties, of which China was one, and were not otherwise challenged under this paragraph, the question would necessarily be between China and the other power or powers concerned as to whether there should be a time limit or not. If the agreement did not provide for one, the question might easily involve a modification of an actually existing, valid agreement.

He had to confess that he did not see how the committee was to make any progress on such a matter unless the attending conditions were brought up, the parties known, and the nature of the commitments stated. The committee would then be able to judge it was a matter which could or could not properly be taken up at this conference.

Senator Underwood said he thought that China should have every opportunity at the conference table. He was sure that no country in the world felt more sympathy, or had a greater desire to help the people of China than the United States. From the beginning of the meetings of the committee it had declared in favor of the sovereignty and the territorial integrity of China. The eight nations sitting at the council table with China have given to her a Magna Charta for all the future; that her sovereignty should not be jeopardized nor her territorial integrity invaded.

He said it did not seem to him consistent with such a declaration that, where questions were involved concerning the contracts of a sovereign government and her territorial integrity or where her sovereignty itself was not involved, this conference should be asked to pass on such matters. As a sovereign government, it seemed to him that it was incumbent upon China to settle her own contracts; and if the contracts of China with other nations, in the ordinary acceptation of the term, were to be referred to some international body for determination as to their legality or their terminal facilities, it seemed to him that the sovereignty of China would be invaded by the committee.

He realized, of course, that there was one question growing out of treaty rights, and that there might be others, as to which China had a right to ask for final determination. Sixty odd years before, she had yielded her rights to control her customs revenues. That involved the question of sovereignty. They had reached a temporary agreement in the matter, and when the subcommittee had reported to this committee its conclusion, the hope was stated that at a future day the entire sovereign control of the customs revenues of China would

be returned to the Chinese Government. It was only on account of present existing conditions in China that the consideration of this matter was delayed. There must be a consideration of it in the future between the nations with whom China had made treaties. Senator Underwood said he was sure that the people of the United States, when the time should come to speak through their representatives, would be more than glad to return to China the entire control of her customs revenues. He thought he could say to the people of the United States, that, in the end, the spirit of the Twentieth Century would prevail, and every government represented at the conference table would be only too glad when the time came to recognize the sovereign rights of China in this way. It seemed to him, however, that the matter having been temporarily concluded, while the other matters referred to, as he understood them, were of a nature that rests between governments, there could be no end to their labors if they should go into every separate contract, or into a number of them, except where they might involve the principle already laid down, concerning the sovereignty of China or her territorial integrity.

Senator Underwood said that he made this statement because he had the utmost sympathy with the Chinese people, and had the desire to help them on to the place that he felt sure they could achieve for themselves in time; i. e., the return of a stable parliamentary government, controlling their own affairs amongst the nations of the world. He thought the time had come, within reasonable limitations, when this conference ought to approach its end. He felt they ought to work toward a conclusion. The work of the conference had been a great work. It had accomplished great results for the world, and, in his judgment, it was most unwise to throw a cloud over the great things that had already been accomplished by this congress of nations, through a beclouding of the public mind of the world by a discussion of an infinite number of small details. Therefore, although, as far as he was concerned, he did not control these matters, he hoped that he could expect from the representatives of the Chinese Government their aid in facilitating an early conclusion of the labors of the conference.

Mr. Koo said that in view of the observations just made, he wished to assure the chairman that nothing could be further from the minds of the Chinese delegates than to insist on a discussion of anything brought up by the Chinese delegation. He had named paragraphs 6 and 7 because the chairman had been good enough to propose that such subjects as the Chinese delegation wished to have discussed, be brought up, and because, as he understood it, the whole subject of the 10 principles had been accepted as a basis of discussion. If, however, the committee felt that any point was not a fitting subject for discussion, the Chinese delegation was glad to accept this view. He wished to say again that there was no intention whatever of examining every commitment and attempting to reconcile them with each other and with the principles laid down by the committee. He simply wished that some machinery be established to prevent conflicts and to settle controversies which the various Governments might not be able to settle between them by means of diplomacy.

Mr. Koo added that as regarded the tariff, the Chinese delegation greatly appreciated the spirit in which Senator Underwood

had made his remarks, especially when he stated that the idea of tariff autonomy would be favorably received, as soon as conditions in China had improved.

The chairman said that he trusted he would be pardoned if he returned to the precise point. The committee were on paragraph 6 of the Chinese proposal. This, it would be observed, had nothing to do with the general board of arbitration; it had to do with existing commitments which were without time limit, and the proposal that reasonably definite terms of duration should be attached to them.

Of course, as it had been explained by the Chinese delegation, it was evident that it was not intended to embrace all commitments within this proposal. Therefore, it was necessary to specify what commitments were intended. When a definite commitment was mentioned, it would appear whether it was practicable to have a time limit assigned to it, and presumably it would require the assent of both parties that a time limit should be assigned to it. Certainly that would be the case if a time limit were not implied by the engagement, and the proposal only referred to those in which no time limit was expressed.

It therefore seemed impossible to deal with this subject unless the Chinese delegation brought forward specifications.

The chairman wished to add that he did not understand that Senator Underwood, in his suggestion in regard to the desire of the committee to finish the work of this conference, meant at all that they should not deal with matters that should be dealt with. But in order that they might deal with matters that ought to be dealt with they should be brought before the committee. Abstract propositions could not be dealt with.

The next paragraph, paragraph number 7, dealt with the interpretation of instruments:

"In the interpretation of instruments granting special rights or privileges the well-established principle of construction that such a grant shall be strictly construed in favor of the grantors is to be observed."

It would be noticed, the chairman continued, that reference was made to what was described as the well-established principle of construction. The question then was not as to the principle but as to its application. Everyone present knew that in the application of that principle a reasonable construction was to be given in the light of the particular circumstances attending the instrument, the general scope and text of a particular provision; and it was quite impossible to say with regard to grants that a certain interpretation should be given them without knowing what they were, the particular provision which had given rise to controversies, and as to what extent this well-established principle might be deemed to apply. Therefore, it seemed to him that paragraph 7 merely restated a principle, which, in the paragraph itself, was said to be well established without giving any aid whatever to its application. He would therefore rule, with the committee's permission, that this matter could not be discussed unless specifications were brought forward.

The chairman said he would like to say a word with regard to a further matter, to which Dr. Koo had referred—the desire for a general provision of some machinery to settle disputes. That would

seem to imply the existence of a controversy between nations, to which China was a party on the one side. He understood that China was a member of the permanent court of arbitration at The Hague. So far as the general provision for arbitration was concerned, relating generally to matters in controversy between nations which were susceptible of settlement according to judicial standards, he did not know whether it was desirable to attempt to duplicate machinery already existing. Certainly a distinction existed between machinery which was intended to aid in future application of particular principles where differences arose, machinery especially adapted to particular conditions, and a general provision of arbitration or arbitral tribunals to deal with existing controversies arising out of past commitments.

Now, it was not desired to prevent any matter from being brought to the attention of the committee, but they must certainly proceed in a way which favored precise discussions. He thought that the Chinese delegation understood that there was an opportunity to present any specified matter to the committee, as they could judge whether or not it was properly before the conference.

The chairman then said that reserving certain questions which had been mentioned in relation to China which were to be brought up later, the Committee might pass to the next subject on the agenda, which had relation to Siberia.

Baron Shidehara said that, if the discussion on the Siberian problem was to be proceeded with, it might be of interest for the committee to know exactly the intentions and aims of Japan in regard to Siberia, and, with the permission of the chairman and of the committee, he would make a concise statement in this respect.

He then read as follows:

"The military expedition of Japan to Siberia was originally undertaken in common accord and in cooperation with the United States in 1918. It was primarily intended to render assistance to the Czecho-Slovak troops who in their homeward journey across Siberia from European Russia found themselves in grave and pressing danger at the hands of hostile forces under German command. The Japanese and American Expeditionary Forces together with other allied troops, fought their way from Vladivostok far into the region of the Amur and the Trans-Baikal Provinces to protect the railway lines which afforded the sole means of transportation of the Czecho-Slovak troops from the interior of Siberia to the port of Vladivostok. Difficulties which the allied forces had to encounter in their operations in the severe cold winter of Siberia were immense.

"In January, 1920, the United States decided to terminate its military undertaking in Siberia, and ordered the withdrawal of its forces. For some time thereafter, Japanese troops continued alone to carry out the duty of guarding several points along the Trans-Siberian Railways in fulfillment of interallied arrangements, and of affording facilities to the returning Czecho-Slovaks.

"The last column of Czecho-Slovak troops safely embarked from Vladivostok in September, 1920. Ever since then, Japan has been looking forward to an early moment for the withdrawal of her troops from Siberia. The maintenance of such troops in a foreign land is for her a costly and thankless undertaking, and she will be only too happy to be relieved of such responsibility. In fact, the evacuation of the

Trans-Baikal and the Amur Provinces was already completed in 1920. The only region which now remains to be evacuated is a southern portion of the maritime Province around Vladivostok and Nikolsk.

"It will be appreciated that for Japan the question of the withdrawal of troops from Siberia is not quite as simple as it was for other allied powers. In the first place, there is a considerable number of Japanese residents who had lawfully and under guaranties of treaty established themselves in Siberia long before the Bolshevik eruption, and were there entirely welcomed. In 1917, prior to the joint American-Japanese military enterprise, the number of such residents was already no less than 9,717. In the actual situation prevailing there, those Japanese residents can hardly be expected to look for the protection of their lives and property to any other authorities than Japanese troops. Whatever districts those troops have evacuated in the past have fallen into disorder, and practically all Japanese residents have had precipitately to withdraw, to seek for their personal safety. In so withdrawing, they have been obliged to leave behind large portions of their property, abandoned and unprotected, and their homes and places of business have been destroyed. While the hardships and losses thus caused the Japanese in the Trans-Baikal and the Amur Provinces have been serious enough, more extensive damages are likely to follow from the evacuation of Vladivostok, in which a larger number of Japanese have always been resident and a greater amount of Japanese capital invested.

"There is another difficulty by which Japan is faced in proceeding to the recall of her troops from the maritime Province. Due to geographical propinquity, the general situation in the districts around Vladivostok and Nikolsk is bound to affect the security of Korean frontier. In particular it is known that these districts have long been the base of Korean conspiracies against Japan. Those hostile Koreans, joining hands with lawless elements in Russia, attempted in 1920 to invade Korea through the Chinese territory of Chientao. They set fire to the Japanese consulate at Hunchun and committed indiscriminate acts of murder and pillage. At the present time they are under the effective control of Japanese troops stationed in the maritime Province, but they will no doubt renew the attempt to penetrate into Korea at the first favorable opportunity that may present itself.

"Having regard to those considerations, the Japanese Government have felt bound to exercise precaution in carrying out the contemplated evacuation of the maritime Province. Should they take hasty action without adequate provision for the future, they would be delinquent in their duty of affording protection to a large number of their nationals resident in the districts in question and of maintaining order and security in Korea.

"It should be made clear that no part of the maritime province is under Japan's military occupation. Japanese troops are still stationed in the southern portion of that province, but they have not set up any civil or military administration to displace local authorities. Their activity is confined to measures of self-protection against the menace to their own safety and to the safety of their country and nationals. They are not in occupation of those districts



any more than American or other allied troops could be said to have been in occupation of the places in which they were formerly stationed.

"The Japanese Government is anxious to see an orderly and stable authority speedily reestablished in the Far Eastern possessions of Russia. It was in this spirit that they manifested a keen interest in the patriotic but ill-fated struggle of Admiral Kolchak. They have shown readiness to lend their good offices for prompting the reconciliation of various political groups in eastern Siberia. But they have carefully refrained from supporting one faction against another. It will be recalled, for instance, that they withheld all assistance from Gen. Rozanow against the revolutionary movements which led to his overthrow in January, 1920. They maintained an attitude of strict neutrality and refused to interfere in these movements, which it would have been quite easy for them to suppress if they had so desired.

"In relation to this policy of nonintervention, it may be useful to refer briefly to the past relations between the Japanese authorities and Ataman Semenov, which seem to have been a source of popular misgiving and speculation. It will be remembered that the growing rapprochement between the Germans and the Bolshevik Government in Russia in the early part of 1918 naturally gave rise to apprehensions in the Allied countries that a considerable quantity of munitions supplied by those countries and stored in Vladivostok might be removed by the Bolsheviks to Europe and Russia, for the use of the Germans. Ataman Semenov was then in Siberia and was organizing a movement to check such Bolshevik activities and to preserve order and stability in that region. It was in this situation that Japan, as well as some of the Allies, began to give support to the Cossack chief. After a few months, such support by the other powers was discontinued. But the Japanese were reluctant to abandon their friend, whose efforts in the Allied cause they had originally encouraged; and they maintained for some time their connection with Ataman Semenov. They had however no intention whatever of interfering in the domestic affairs of Russia, and when it was found that the assistance rendered to the Ataman was likely to complicate the internal situation in Siberia, they terminated all relations with him and no support of any kind has since been extended to him by the Japanese authorities.

"The Japanese Government are now seriously considering plans which would justify them in carrying out their decision of the complete withdrawal of Japanese troops from the maritime Province with reasonable precaution for the security of Japanese residents and of the Korean frontier regions. It is for this purpose that negotiations were opened some time ago at Dairen between the Japanese representatives and the agents of the Chita Government.

"Those negotiations at Dairen are in no way intended to secure for Japan any right or advantage of an exclusive nature. They have been solely actuated by a desire to adjust some of the more pressing questions with which Japan is confronted in relation to Siberia. They have essentially in view the conclusion of provisional commercial arrangements, the removal of the existing menace to the security of Japan and to the lives and property of Japanese residents in eastern Siberia, the provision of guaranties for the freedom of

lawful undertakings in that region, and the prohibition of Bolshevik propaganda over the Siberian border. Should adequate provisions be arranged on the line indicated, the Japanese Government will at once proceed to the complete withdrawal of Japanese troops from the maritime Province.

"The occupation of certain points in the Russian Province of Sakhalin is wholly different, both in nature and in origin, from the stationing of troops in the maritime Province. History affords few instances similar to the incident of 1920 at Nikolaievsk, where more than 700 Japanese, including women and children, as well as the duly recognized Japanese consul and his family and his official staff, were cruelly tortured and massacred. No nation worthy of respect will possibly remain forbearing under such a strain of provocation. Nor was it possible for the Japanese Government to disregard the just popular indignation aroused in Japan by the incident. Under the actual condition of things, Japan found no alternative but to occupy, as a measure of reprisal, certain points in the Russian Province of Sakhalin in which the outrage was committed, pending the establishment in Russia of a responsible authority with whom she can communicate in order to obtain due satisfaction.

"Nothing is further from the thought of the Japanese Government than to take advantage of the present helpless condition of Russia for prosecuting selfish designs. Japan recalls with deep gratitude and appreciation the brilliant rôle which Russia played in the interest of civilization during the earlier stage of the Great War. The Japanese people have shown and will continue to show every sympathetic interest in the efforts of patriotic Russians aspiring to the unity and rehabilitation of their country. The military occupation of the Russian Province of Sakhalin is only a temporary measure, and will naturally come to an end as soon as a satisfactory settlement of the question shall have been arranged with an orderly Russian government.

"In conclusion, the Japanese delegation is authorized to declare that it is the fixed and settled policy of Japan to respect the territorial integrity of Russia, and to observe the principle of nonintervention in the internal affairs of that country, as well as the principle of equal opportunity for the commerce and industry of all nations in every part of the Russian possessions."

The chairman said that perhaps this was a convenient point to take an adjournment until the next day, when the discussion could be resumed.

The committee then adjourned until Tuesday, January 24, 1922, at 11 o'clock a. m.

It was announced that the following representatives of the various delegations would compose the subcommittee of delegates on the Chinese Eastern Railway:

For the United States, Mr. Root; for Belgium, Baron de Cartier; for British Empire, Sir Auckland Geddes; for China, Mr. Koo; for France, Mr. Sarraut; for Italy, Senator Albertini; for Japan, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland; for Portugal, Captain de Vasconcellos.

**TWENTY-FIFTH MEETING—TUESDAY, JANUARY 24, 1922, 11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray, Mr. Poole.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee. Mr. Tilmont.

*Brit'ish Empire.*—Mr. Balfour, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Christie.

*China.*—Mr. Sze, Mr. Koo. Accompanied by Mr. Yen, Mr. M. T. Z. Tyau, Mr. T. C. Yen, Mr. C. Zee.

*France.*—Mr. Sarraut, Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Touzet, Mr. Ponsot, Mr. Raindre.

*Japan.*—Admiral Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Matsudaira, Mr. Saburi, Mr. Amau, Mr. Sawada.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Portugal.*—Viscount d'Alte, Captain Vasconcellos.

The Secretary General. Accompanied by Mr. Cresson, Mr. Pierrepont, and Mr. Osborne.

Mr. Camerlynck, interpreter.

1. The twenty-fifth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus room of the Pan American Building on Tuesday, January 24, 1922, at 11 o'clock a. m.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo; for France, Mr. Sarraut, Mr. Jusserand; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Italy, Senator Schanzer, Senator Albertini; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. Wright, Mr. MacMurray, Mr. Poole; for Belgium, Mr. de Warzee, Mr. Tilmont; for the British Empire, Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Christie; for China, Mr. Yen, Mr. M. T. Z. Tyau, Mr. T. C. Yen, Mr. C. Zee; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Matsudaira, Mr. Saburi, Mr. Amau, Mr. Sawada.

The secretary general, assisted by Mr. Cresson, Mr. Pierrepont, and Mr. Osborne, was present. Mr. Camerlynck, interpreter was also present.

The chairman, Mr. Hughes, made the following statement:

"The American delegation has heard the statement by Baron Shidehara and has taken note of the assurances given on behalf of the Japanese Government with respect to the withdrawal of Japanese troops from the maritime province of Siberia and from the Province of Sakhalin. The American delegation has also noted the assurance of Japan by her authorized spokesman that it is her fixed and settled policy to respect the territorial integrity of Russia, and to observe the principle of nonintervention in the internal affairs of that country, as well as the principle of equal opportunity for the commerce and industry of all nations in every part of the Russian possessions.

"These assurances are taken to mean that Japan does not seek, through her military operation in Siberia, to impair the rights of the Russian people in any respect, or to obtain any unfair commercial advantages, or to absorb for her own use the Siberian fisheries, or to set up an exclusive exploitation either of the resources of Sakhalin or of the maritime province.

"As Baron Shidehara pointed out, the military expedition of Japan to Siberia was originally undertaken in common accord and in cooperation with the United States. It will be recalled that public assurances were given at the outset by both Governments of a firm intention to respect the territorial integrity of Russia and to abstain from all interference in Russian internal politics. In view of the reference by Baron Shidehara to the participation of the American Government in the expedition of 1918, I should like to place upon our records, for transmission to the conference, the purposes which were then clearly stated by both Governments.

"The American Government set forth its aims and policies publicly in July, 1918. The purposes of the expedition were said to be, first, to help the Czecho-Slovaks consolidate their forces; second, to steady any efforts at self-government or self-defense in which the Russians themselves might be willing to accept assistance; and, third, to guard the military stores at Vladivostok.

"The American Government opposed the idea of a military intervention, but regarded military action as admissible at the time solely for the purpose of helping the Czecho-Slovaks consolidate their forces and get into successful cooperation with their Slavic kinsmen, and to steady any efforts at self-government or self-defense in which the Russians themselves might be willing to accept assistance. It was stated that the American Government proposed to ask all associated in this course of action to unite in assuring the people of Russia in the most public and solemn manner that none of the Governments uniting in action either in Siberia or in northern Russia contemplated any interference of any kind with the political sovereignty of Russia, any intervention in her internal affairs, or any impairment of her territorial integrity either now or thereafter, but that each of the associated powers had the single object of affording such aid as should be acceptable, and only such aid as should be acceptable, to the Russian people in their endeavor to regain control of their own affairs, their own territory, and their own destiny.

"What I have just stated is found in the public statement of the American Government at that time.

"The Japanese Government, with the same purpose, set forth its position in a statement published by the Japanese Government on August 2, 1918, in which it was said:

"The Japanese Government, being anxious to fall in with the desires of the American Government, and also to act in harmony with the Allies in this expedition, have decided to proceed at once to dispatch suitable forces for the proposed mission. A certain number of these troops will be sent forthwith to Vladivostok. In adopting this course the Japanese Government remains unshaken in their constant desire to promote relations of enduring friendship with Russia and the Russian people, and reaffirms their avowed policy of respecting the territorial integrity of Russia and of abstaining from all interference in her internal politics. They further declare that, upon the realization of the projects above indicated, they will immediately withdraw all Japanese troops from Russian territory, and will leave wholly unimpaired the sovereignty of Russia in all its phases, whether political or military."

"The United States of America withdrew its troops from Siberia in the spring of 1920, because it considered that the original purposes of the expedition had either been accomplished or would no longer be subserved by continued military activity in Siberia. The American Government then ceased to be a party to the expedition, but it remained a close observer of events in eastern Siberia, and has had an extended diplomatic correspondence upon this subject with the Government of Japan.

"It must be frankly avowed that this correspondence has not always disclosed an identity of views between the two Governments. The United States has not been unmindful of the direct exposure of Japan to Bolshevism in Siberia, and the special problems which the conditions existing there have created for the Japanese Government; but it has been strongly disposed to the belief that the public assurances, given by the two Governments at the inception of the joint expedition, nevertheless required the complete withdrawal of Japanese troops from all Russian territory—if not immediately after the departure of the Czechoslovak troops, then within a reasonable time.

"As to the occupation of Sakhalin, in reprisal for the massacre of the Japanese at Nikolaievsk, the United States was not unimpressed by the serious character of that catastrophe; but, having in mind the conditions accepted by both Government at the outset of the joint expedition, of which the Nikolaievsk massacre must be considered an incident, it has regretted that Japan should deem necessary the occupation of Russian territory as a means of assuring a suitable adjustment with a future Russian Government.

"The general position of the American Government was set forth in a communication to Japan of May 31, 1921. In that communication appears the following statement:

"The Government of the United States would be untrue to the spirit of cooperation which led it, in the summer of 1918, upon an understanding with the Government of Japan to dispatch troops to Siberia, if it neglected to point out that, in its view, continued occupation of the strategic centers in Eastern Siberia—involving the indefinite possession of the port of Vladivostok, the stationing of troops at Habarovsk, Nikolaievsk, De Castries, Mago, Sophiesk, and

other important points; the seizure of the Russian portion of Sakhalin, and the establishment of a civil administration, which inevitably lends itself to misconception and antagonism—tends rather to increase than to allay the unrest and disorder in that region.

“‘The military occupation’—I am still reading from the note of May 31, 1921—‘The military occupation in reprisal for the Nikolaievsk affairs is not fundamentally a question of the validity of procedure under the recognized rules of international law.’

“The note goes on to say that ‘the issue presented is that of the scrupulous fulfillment of the assurances given to the Russian people, which were a matter of frank exchanges and of apparently complete understanding between the Government of the United States and of Japan. These assurances were intended by the Government of the United States to convey to the people of Russia a promise on the part of the two Governments not to use the joint expedition, or any incidents which might arise out of it, as an occasion to occupy territory, even temporarily, or to assume any military or administrative control over the people of Siberia.’

“Further, in the same note, the American Government stated its position as follows:

“‘In view of its conviction that the course followed by the Government of Japan brings into question the very definite understanding concluded at the time troops were sent to Siberia, the Government of the United States must in candor explain its position and say to the Japanese Government that the Government of the United States can neither now nor hereafter recognize as valid any claims or titles arising out of the present occupation and control, and that it can not acquiesce in any action taken by the Government of Japan which might impair existing treaty rights or the political or territorial integrity of Russia.

“‘The Government of Japan will appreciate that, in expressing its views, the Government of the United States has no desire to impute to the Government of Japan motives or purposes other than those which have heretofore been so frankly avowed. The purpose of this Government is to inform the Japanese Government of its own conviction that, in the present time of disorder in Russia, it is more than ever the duty of those who look forward to the tranquilization of the Russian people, and a restoration of normal conditions among them, to avoid all action which might keep alive their antagonism and distrust toward outside political agencies. Now, especially, it is incumbent upon the friends of Russia to hold aloof from the domestic contentions of the Russian people, to be scrupulous to avoid inflicting what might appear to them a vicarious penalty for sporadic acts of lawlessness, and above all to abstain from even the temporary and conditional impairment by any foreign power of the territorial status which, for them as for other peoples, is a matter of deep and sensitive national feeling transcending perhaps even the issues at stake among themselves.

“To that American note the Japanese Government replied in July, 1921, setting forth in substance what Baron Shidehara has now stated to this committee, pointing out the conditions under which Japan had taken the action to which reference was made, and giving

the assurances, which have here been reiterated, with respect to its intention and policy.

"While the discussion of these matters has been attended with the friendliest feeling, it has naturally been the constant and earnest hope of the American Government—and of Japan as well, I am sure—that this occasion for divergence of views between the two Governments might be removed with the least possible delay. It has been with a feeling of special gratification, therefore, that the American delegation has listened to the assurances given by their Japanese colleague, and it is with the greatest friendliness that they reiterate the hope that Japan will find it possible to carry out within the near future her expressed intention of terminating finally the Siberian expedition and of restoring Sakhalin to the Russian people.

"My suggestion would be, if it is not desired otherwise by the delegates, that the statement made on behalf of the Japanese Government by Baron Shidehara, and the one that I have made setting forth the position of the American Government, which is as stated in its communication of May 31, 1921, which I have read, should be communicated to the conference for the purpose of being spread upon its records."

The CHAIRMAN (continuing):

I suggest the adoption of the following resolution:

*"Resolved,* That the statements by the Japanese and American delegations in respect to the presence of foreign troops in Siberia be reported to the conference at its next plenary session to be spread upon its records."

The chairman asked if there was a desire to discuss the resolution. There being no discussion, a vote was taken.

The United States of America assented.

Belgium assented.

The British Empire assented.

China assented.

When France was called, M. Sarraut addressed the committee as follows:

He said he gave his full and unreserved adherence to this resolution. In giving this unreserved adherence, he liked to remember that France was the oldest ally, perhaps, of Russia, and in this respect it was with a particular feeling of gratification that he would state that he had listened with great pleasure to the exchange of views that had just taken place before the committee between the representatives of the United States and Japan. The French Government would hear with the same feelings the formal assurance given by Baron Shidehara of the intention of the Japanese Government concerning Siberia; of Japan's desire to withdraw her troops from Russia as soon as possible; of its firm intention not to interfere in the domestic affairs of Russia; and of its firm purpose to respect the integrity of Russia.

France had full trust in Japan, who had always proved a loyal and trustworthy friend. It was quite certain that this assurance would be carried out. France accepted this with all the more pleasure because it was exactly the program which the French Government had adopted in 1918 and which led them to interfere in

Siberia under the same conditions as those set forth so exactly by the Secretary of State of the United States. At this point he could not fail to restate quite clearly France's intention, like that of her allies, to respect the integrity of Russia, and to have the integrity of Russia respected, and not to interfere in her internal policy.

France remained faithful to the friendship of Russia, which she could not forget. She entertained feelings of gratitude to the Russian people, as she did to her other allies. Russia had been her friend of the first hour, and she was loyal; she had stuck to her word until the Russian Government was betrayed in the way with which those present were familiar. France also remained faithful to the hope that the day would come when through the channel of a normal and regular government great Russia would be able to go ahead and fulfill her destiny. Then it would be good for her to find unimpaired the patrimony that had been kept for her by the honesty and loyalty of her allies. It was with this feeling that the French delegation with great pleasure concurred in the adoption of the present resolution.

Italy assented.

Japan assented.

The Netherlands assented.

Portugal assented.

The chairman said that he had received from the Chinese delegation a telegraphic summary of the secret treaty of alliance between China and Russia concluded in May, 1896, which had been received by the Chinese delegation from Peking. The Chinese delegation added that they would send a copy of the full text of the treaty as soon as it was received.

The telegraphic summary of the treaty between China and Russia of May, 1896, in French and in English, was submitted to the committee for the purpose of being reported to the conference. He then read the English summary, as follows:

**"TREATY OF ALLIANCE BETWEEN CHINA AND RUSSIA,—MAY, 1896.**

[Translation.]

"ART. I.—The high contracting parties engage to support each other reciprocally by all the land and sea forces at any aggression directed by Japan against Russian territory in eastern Asia, China, or Korea.

"ART. II.—No treaty of peace with an adverse party can be concluded by either of them without the consent of the other.

"ART. III.—During military operations all Chinese ports shall be open to Russian vessels.

"ART. IV.—The Chinese Government consents to the construction of a railway across the Provinces of Amur and Kirin in the direction of Vladivostock. The construction and exploitation of this railway shall be accorded to the Russo-Chinese Bank. The contract shall be concluded between the Chinese Minister at St. Petersburg and the Russo-Chinese Bank.

"ART. V.—In time of war Russia shall have free use of the railway for the transport and provisioning of her troops. In time of peace Russia shall have the same right for the transit of her troops and provisions.



"ART. VI.—The present treaty shall come into force from the day on which the contract stipulated in Article IV shall have been confirmed. It shall have force for fifteen years."

The chairman asked if any committee was ready to report or if any resolution was ready for presentation.

Mr. Balfour said that as the chairman had asked whether there was any resolution ready, he ventured to present one on a subject already familiar to his colleagues and on which he thought there was practical unanimity among them. It related to the embargo upon the exportation and sale of arms to China. The motives for this resolution were familiar to all present. The condition of China at the present time had been the subject of discussion; nay, more than that, it had been the subject of a formal resolution by this conference, and all were aware that great numbers of troops were enrolled in that country, not under the control of the Central Government, but under control of local administrators, who set themselves up in many cases as rivals of the Central authority.

It had long been felt that to a country in that condition it was a very cruel kindness to permit the import of arms from abroad and this general proposition obtained peculiar importance from the fact that the termination of the World War left unemployed, unused, and unsold, vast quantities of ammunition and instruments of warfare. The subject had been one of negotiation and agreement between the powers already, but those who were in a position best to understand the circumstances held that the hands of all their governments would be strengthened if the committee passed a resolution somewhat in the terms of that which he would have the honor to read. He would have copies in the hands of all his colleagues in a moment or two. It was so simple a matter that, perhaps, if he now read it they would gain all the information they desired:

"The United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal affirm their intention to refrain themselves and to restrain their nationals from exporting to China arms, munitions of war, or material destined exclusively for their manufacture, until the establishment of a government whose authority is recognized throughout the whole country.

"2. Each of the above powers will forthwith take such additional steps as may be necessary to make the above restrictions immediately binding upon all its nationals.

"3. The scope of this resolution includes all concessions, settlements, and leased territories in China.

"4. The United States of America will invite the adherence to this resolution of the other powers in treaty relations with China."

Mr. Balfour said that he did not think he needed to add anything to the obvious meaning of this resolution. Its object was clear, he thought, to all; and this object would evidently be impossible of attainment, if the resolution was not acted upon by all the powers concerned. They could not ask particular powers who had large quantities of munitions of war at their disposal and who had the power of manufacturing large additional amounts to compel their citizens to refrain from a profitable trade unless other powers were prepared to act upon a similar self-denying ordinance. This was the reason which made it essential not only that some such resolu-

tion should be passed, but that it should be acted upon by all the powers who were in a position to supply arms to China.

The chairman stated that, having heard the resolution, opportunity would be given for discussion of it.

Baron de Cartier said that he supposed this resolution applied only to arms and munitions of war and was not meant to prevent the importation of shotguns and blasting materials.

Mr. Balfour stated, in reply to the inquiry of Baron de Cartier, that a reference to the text would show that it covered "munitions of war."

Baron de Cartier observed that he now had a copy before him and saw that munitions other than those of war were not included, and that the exportation of shotguns, blasting materials, etc., might continue. That made it all right.

The chairman stated that he assumed that the context indicated the purpose quite clearly, and asked if there were further discussion.

Mr. Sze said that he had just read a copy of the resolution presented by Mr. Balfour, and he wished to say a word or two based on his first reaction to it. In the first place, he desired to know whether he was right in concluding that, in presenting this resolution, Mr. Balfour had no other aim than to help China; the same aim, in fact, as had animated the resolution presented by the subcommittee on Chinese revenue over which his friend Senator Underwood had presided.

He wished to remind the committee that the importation into China of arms and material for their manufacture (even of arms and munitions for the purposes mentioned by Baron de Cartier) was not permitted except under license of the Chinese Government. The Chinese Government and the Chinese people hoped for internal tranquillity in China at an early date and a return to a strong and united central government which he was positive the genius of the Chinese people and their experience of 4,000 years made them capable of evolving.

In closing his remarks, Mr. Sze again expressed the hope that his interpretation of the motive underlying the resolution was correct.

Mr. Balfour said that his Chinese colleague had made an appeal to him as to whether the motive underlying this resolution was that of aiding China to obtain for herself—and in no other way than by herself could it be obtained—a strong and stable Government.

He could assure Mr. Sze that, so far as the British Empire delegation were concerned, that was their motive and their sole motive. Nor was there anything new in the general policy expressed in this resolution. As far back as May 5, 1919, the doyen of the diplomatic body at Peking made the following notification to the Chinese Government, which was almost exactly in the terms of the first paragraph of this resolution:

"The Governments of Great Britain, Portugal, the United States, Russia, Brazil, France, and Japan have agreed effectively to restrain their subjects and citizens from exporting to or importing into China arms and munitions of war and material destined exclusively for their manufacture until the establishment of a government whose authority is recognized throughout the whole country, and also to

prohibit, during the above period, delivery of arms and munitions for which contracts have already been made but not executed."

The general motive underlying the resolution which was now before the committee was therefore most clearly expressed two years ago. In the motive there was no change. There had been some slight changes of machinery and of wording, but the general policy was now what it had been, and it was designed and devised purely in the interest of China herself.

Senator Schanzer said that in the name of the Italian delegation, he could only say that they were in sympathy with the resolution presented by Mr. Balfour, but they were not ready to-day to act upon it. The Italian Government had signed the convention of St. Germain and was ready to bring it before the Italian Parliament for ratification. Nevertheless, he was not at the present time able to state whether the Italian Government, in the absence of an international agreement approved by the Italian Parliament, was allowed by existing legislation to impose the necessary restrictions on this commerce. For this reason, the Italian delegation must ask their Government for instructions before they could accept the formal engagements which the resolution implied.

Mr. Balfour asked whether he might call the attention of his Italian colleague, Senator Schanzer, to the fact that Italy acceded to the resolution which he had just read out, that is to say, the resolution of May 5, 1919, with a reservation which he would now read:

"Italy also acceded but with the important reservation that all contracts already concluded by Italian, or to be concluded by them, before all the powers had signified their assent to the resolution, should be excluded."

That, Mr. Balfour said, was two years ago, and he supposed that that state of things might be regarded as having come to an end and that the resolution now had no special value for the Italian Government. On the broad question he understood that the Italian Government had already given their consent.

Senator Schanzer said that he thanked Mr. Balfour for his explanation which confirmed the suitability of his own declarations. The reservations which Mr. Balfour had just read must, however, also be examined from the point of view of their scope and duration in connection with the proposed resolution. For this reason the Italian delegation must ask instructions from the Italian Government.

Senator Lodge said that there was a law in the United States which had been on the statute books for some time which gave special power to the President to stop, in his discretion, all export of arms to any American country. That statute had been amended by including China, i. e., the President was given the power, in his discretion, to stop shipments of arms or munitions of war to China. This bill, which was a Senate bill, contained an amendment to that effect, which passed the House, and he (Senator Lodge) had moved to concur in the amendments of the House last week, and he believed that the bill had now been signed and had become a law.

He mentioned this because the United States already gave the President the power as to exportation which was asked for in these resolutions, which were, he thought, very wise and should be adopted.

Jonkheer Beelaerts van Blokland said that while heartily endorsing the spirit underlying the resolution he must express doubt as to the legal aspect of this matter in relation to the laws of Holland. The resolution had rather unexpectedly been laid before the committee and there had been no opportunity for the other delegations to study the subject. He was, therefore, unaware of the attitude of his Government; he did not understand whether or not his Government was a party to the resolution presented by the dean of the diplomatic body at Peking.

Mr. Balfour begged to interrupt Jonkheer Beelaerts to say that he had read the list of countries which were represented and that he might have added that the Netherlands, Denmark, and Belgium subsequently adhered to this arrangement. Therefore subsequently, though not at the time, the Netherlands did agree to the resolution.

Jonkheer Beelaerts continued that from the further information given by Mr. Balfour it was clear to him that the Netherlands minister at Peking did not at the time feel authorized to adhere to the resolution without referring the matter to The Hague. Jonkheer Beelaerts thought it would also be necessary for him to consult his Government before acting upon the proposal. Continuing, he drew attention to a difference in wording between the Peking resolution, referring both to exportation from the various countries and importation into China, and the resolution now before the committee, which mentioned only the exportation to China and consequently did not reach as far as the Peking resolution.

Baron Shidehara said there was one minor point on which he would like to obtain a certain amount of explanation. Article III provided that "the scope of this resolution includes \* \* \* leased territories." This seemed to imply—if he construed it correctly—that, for instance, the sending of arms from Japan to Port Arthur was to be prohibited. If this was in fact the meaning, he did not quite see the reason for it. Japan could easily take efficient measures to restrict the reexport of arms, etc., from her leased territory to other parts of China, but so long as Japan was in occupation of Port Arthur it would be impossible for her to undertake to restrict the dispatch of arms thither.

Mr. Balfour said he was not at all certain that there ought not to be an amendment to meet the point made by his colleague from the Netherlands and to bring paragraph I into exact or close conformity with the resolution in 1919. The 1919 resolution dealt with the powers restraining their subjects from exporting to or importing into China arms or ammunition. He was not at all sure that ought not to be put in.

The United States delegation had just told him, however, that this was not possible under the United States law at present. It was possible under the British system, but it was not possible under the United States system. He therefore saw little use in putting it in.

As for the point raised by his Japanese colleague, he did not imagine that the sending of arms from Japan to the armed forces of Japan in Port Arthur would come under this resolution at all. He might have misunderstood Baron Shidehara's meaning, but he thought it was that Baron Shidehara was afraid this would preclude the Japanese Government from supplying their own troops in Port Arthur with arms and ammunition.

That certainly was not the intention, and he was informed that it would not be the effect. He quite agreed that if it was the effect, then some modification of the wording would be necessary in order to remove what would obviously be a patent error in the drafting. He thought, however, that Baron Shidehara might rest easy on that point. Precisely the same thing would, of course, affect the British Government, in so far as the leased territory in Kowloon was concerned; and he did not feel uneasy about that. He understood that one or two of his colleagues around the table desired instructions from their Governments about this. He also thought that, after the discussion that had taken place, and after the suggestions that had been made, it would be possible for this resolution to be brought forward with no change of substance or intention, but with some improvements of form; he did not know exactly the form in which the resolution should be put, but he would propose that it might be better to adjourn this discussion until instructions were received from the Governments whose representatives had to seek them. Therefore, though he did not know whether it would be very regular, if he might be permitted to have the wording of the resolution examined, in the light of the discussion which had just taken place to-day, he would bring it forward, at the next opportunity when the subject was raised, in an improved and amended form.

The chairman said that he presumed that the general purpose of the resolution was sufficiently understood to enable the delegations which were not advised of the opinions of their Governments to seek instructions. The resolution would, then, be retained in the hands of the British Empire delegation until they saw fit to bring it forward in the same or amended form. Meanwhile, he assumed that the delegations would seek authority so as to be able to deal with it when it was again presented and he called attention to Mr. Balfour's request that he be advised by the delegations who were going to seek instructions from their Governments when such instructions were received.

The chairman said that the next subject on the agenda was that of mandated islands; and in the statement of the agenda there was added, after that title, the words "Unless questions earlier settled." The reference was intended to be to islands under mandate in the Pacific Ocean. Since this statement of suggested agenda had been distributed the American Government and the Japanese Government had reached an agreement with regard to the islands in the Pacific north of the Equator to which Japan had received a mandate in which four of the five principal allied and associated powers concurred. The United States of America had not assented to that mandate, and there had been questions open for consideration, especially with respect to the island of Yap and also with regard to other mandated islands.

The chairman said that the chiefs of the delegations had already been informed that the negotiations which took place between the Japanese Government and the American Government had resulted in a satisfactory agreement, which remained to be set forth in an appropriate convention.

That being the case, there was no occasion for the conference to deal with the matter of the mandated islands north of the Equator in the Pacific Ocean, save, of course, that the terms of the agree-

ment between the Japanese Government and the American Government would be suitably notified to the conference. So far as the islands in the Pacific Ocean south of the Equator were concerned, with respect to which there were other mandates to which the United States of America had not as yet assented, it was assumed that the matters in question might appropriately be the subject of discussion between Great Britain and the United States. He said that he believed that there was no occasion to bring that matter before the committee.

The chairman then said that the next subject on the agenda was that of electrical communications in the Pacific. This subject had several aspects. One related to the former German cables in the Pacific. These cables had passed to the five principal allied and associated powers. At a recent meeting of the heads of the delegations of the five principal allied and associated powers, it had been stated that the Japanese Government and the American Government had reached a provisional agreement with respect to the disposition of the former German cables in the Pacific Ocean. That agreement, of course, was subject to the approval of the other allied powers, and also subject to the approval of other parties interested, in so far as their interests might appear. It therefore did not appear that the question need occupy the attention of the committee.

With respect to the broader question of electrical communications in the Pacific, aside from the disposition of the former German cables, the opportunity was now provided for any proposals which the delegations might desire to submit.

Mr. Root said that, under this head of the agenda, perhaps the committee ought to return to the consideration of the resolutions presented by Mr. Viviani.

The committee would remember that it had adopted a series of resolutions regarding wireless stations in China, provisions rather specific and narrow and not undertaking to deal with the general subject in a broad way. Those resolutions were subject to certain reservations. There had been a reservation by Japan regarding wireless stations. It had been supposed that it would probably be disposed of by a settlement in the Shantung conversations. On the same day Mr. Viviani had presented a series of resolutions which went into the subject of wireless in a broader and more thorough way and practically covered the entire draft of the narrow resolutions that had been approved by the committee, and called for a reconsideration of the whole subject.

Those resolutions of Mr. Viviani had been subject to considerable discussion, and the general feeling of the committee had seemed to be in favor of passing them to the long-suffering and patient drafting committee. At the close of the discussion, however, instead of doing what everybody appeared to have agreed to; namely, sending them to the drafting committee, he found a provision in the minutes that the matter was to stand over to allow for further discussion by Japan and China. Not having noticed that, he called a meeting some time after—several weeks after—of the drafting committee, to take up the subjects, and the drafting committee entered upon the consideration of it. Mr. Hanihara stated his recollection of what had happened and upon examining the minutes it appeared that his recollection was correct and Mr. Root's was wrong, and accordingly the draft-

ing committee had no jurisdiction over the subject, and the matter stood for discussion in this committee and the responsibility of disposing of it rested upon the committee.

Mr. Root supposed that discussion by Japan and China upon the subject of these resolutions would be the next step that it would be necessary for the committee to take. He then read the draft of the motion relating to the organization of radio communications in China, submitted by Mr. Viviani, December 7, 1921, and which had already been distributed, as follows:

**"DRAFT OF A MOTION RELATING TO THE ORGANIZATION OF RADIO COMMUNICATIONS IN CHINA.**

"Whereas competition in the establishment and operation of wireless stations in China, far from bringing about the creation of the necessary radio communications between China and the other countries, has on the country produced results the reverse of those aimed at, and the powers represented at the Washington Conference consider that this competition should give way to cooperation under the control of the Government of China:

"Therefore it is decided that a committee shall be formed including representatives of the interested countries and of China to draw up practical recommendations in accordance with which this cooperation shall be accomplished in conformity with the following principles:

"1. The purpose of the cooperation should not be to favor certain interests at the expense of others but to enable China to obtain radio communications established and operated as much in its own interest as in that of the public of all countries and to avoid the waste of capital, of staff, of material, and of wave lengths.

"2. To this end China should be enabled to possess, as soon as possible, radio stations with all the latest technical improvements that can be contributed by the various companies of the countries which are concerned in the improvement of radio communications with China.

"3. Radio communications within the Chinese territory shall be subject to the Chinese laws and the external radio communication (between China and other countries) shall be regulated by the international conventions governing such matters.

"4. The governments of the powers mentioned in the preamble shall give no support to any company or to any person who does not conform to the above principles as well as to the practical rules prescribed in accordance with the recommendations of the committee.

**SUPPLEMENTARY SUGGESTION.**

"5. The rates charged for radio communications shall never be higher than the rates for communications by wire or by cable for equivalent distances, and government and press messages shall benefit by a reduction of at least 50 per cent."

Mr. Root then said that he understood this resolution was before the committee for consideration and discussion.

The chairman said that he supposed that the substance of this proposal should be discussed in the committee, unless, of course,

there were matters for technical consideration which should be taken up otherwise. Before the matter was referred, if it should be referred to the drafting committee, in order to put the sense of the committee into appropriate form, it would seem important that the sense of the committee should be taken.

Mr. Root then said, for the purpose of bringing the matter a little nearer to the point, that the result of examination and extended conversations with experts and consideration of Mr. Viviani's resolutions had brought him to the conclusion that the views expressed by Mr. Viviani were, in the main, views with which the committee should agree, and with which he (Mr. Root) certainly agreed very fully. Mr. Viviani's paper, however, was based upon a decision of a grave question of policy which primarily and fundamentally should be determined by the Government of China and upon which the committee ought not to express an opinion without very thorough and full consideration and discussion, or without a knowledge of the subject which it seemed to him to be impracticable for the conference to acquire. The question lay between building up an electrical wireless system in China upon the principle of free competition, or building it up upon the principle of cooperation or consortium. The far-reaching consequences of the adoption of either one of those principles manifestly might be such that the committee ought not to declare themselves without a much better understanding of those consequences than Mr. Root felt that he personally possessed. That was quite apart from the proposition that China ought to make the determination as to what methods she should follow. One method, that of competition, was the method that existed in the United States to-day; another method, that of controlled cooperation, was the method that existed in many other countries. China ought to determine which she would follow; then the powers represented ought to help her in that course; but he did not think that the committee was in a position to decide now.

With that in view, he had prepared for submission to the drafting subcommittee a resolution which corresponded to M. Viviani's motion for the appointment of a committee or commission, but which, instead of undertaking to decide the fundamental question of policy in advance of the consideration of the commission, left that to be one of the things to be determined from the report of the commission. He asked to be permitted to read the resolution as it was drafted:

"RESOLUTION REGARDING WIRELESS.

"The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, desiring to avoid controversies regarding electrical communication facilities and services in China and between China and other countries, and particularly over concessions or contracts in China relating thereto, and desiring to promote the further development of the internal and external electrical communication facilities and services of China in such a manner as to conform to the public policy of China and to produce the greatest possible benefit, have agreed:

"That a commission be constituted at once by the appointment of one member on the part of each Government represented in the



present conference; that the said commission shall inquire into existing concessions, contracts, treaties, and loans relating to electrical communications in China and between China and other countries, the adequacy of present services, and the need for additional services, and shall confer with the Chinese Government upon the policy and purposes of that Government in respect of such communications, and upon the available and expedient methods of reconciling the actions of other powers and the nationals thereof to such policy, and shall report thereon to the several powers represented in the commission as soon as possible, but not later than the time set for the next meeting to be called in accordance with the provisions of the International Telegraph Convention of 1875, and the next meeting to be called in accordance with the provisions of the International Radio-Telegraph Convention of 1912.

"Said commission shall take into consideration and report upon the matters contained in the resolution offered in the Committee on Pacific and Far Eastern Questions on the 7th of December, 1921, by M. Viviani, in behalf of the French delegation."

The chairman said that the resolution was before the committee for discussion.

Mr. Sarraut stated that his personal preference would be that the discussion might be adjourned until the following morning.

The chairman said that, if it was agreeable to the committee, an adjournment would be taken until Wednesday morning at 11 o'clock and that this resolution would be distributed at once and taken up as the first order of business on that day.

There was no objection, and accordingly the committee adjourned until Wednesday, January 25, 1922, at 11 o'clock a. m.

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**TWENTY-SIXTH MEETING—WEDNESDAY, JANUARY 25, 1922.**

**11 A. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. MacMurray, Mr. Williams, Mr. Rogers.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. Tilmont, Mr. Silvercruys.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Sir John Salmond (for New Zealand), Mr. Sastri (for India). Accompanied by Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Bajpai, Mr. Brown.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Mr. Yen, Mr. M. T. Z. Tyau, Mr. Tsang-on, Mr. C. Zee.

*France.*—Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Ponsot, Mr. Girardeau.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Admiral Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Sawada, Mr. Tomita.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

*The Netherlands*.—Jonkheer Bee'aerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angeline.

The secretary general. Accompanied by Mr. Pierrepont, Mr. Paul, and Mr. Wilson. Mr. Camerlynck and Mr. Talamon, interpreters.

1. The twenty-sixth meeting of the Committee on Pacific and Far Eastern Questions was held on Wednesday, January 25, 1922, at 11 o'clock a. m., in the Columbus Room of the Pan-American Union Building.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia); Sir John Salmond (for New Zealand), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beerlaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following secretaries and technical advisers were present: For the United States, Mr. MacMurray, Mr. Williams, Mr. Rogers; for Belgium, Mr. de Warzee, Mr. Tilmont, Mr. Silvercrux; for the British Empire, Sir Maurice Hankey, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Bajpai, Mr. Brown; for China, Mr. Yen, Mr. M. T. Z. Tyau, Mr. Tsang-au, Mr. C. Zee; for France, Mr. Kammerer, Mr. Ponsot, Mr. Girardeau; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Sawada, Mr. Tomita; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general, assisted by Mr. Pierrepont, Mr. Paul, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon (interpreters) were also present.

The chairman (Mr. Hughes) said the committee would consider at that time the resolution introduced and distributed the evening before relating to electrical communications in China. This, they would recall, was introduced after a statement by Mr. Root with regard to the resolution proposed some time before by Mr. Viviani. The chairman supposed that Mr. Viviani's resolution was before the committee, for whatever discussion might be desired. His recollection was that, at the time it was introduced, or shortly after, its consideration was postponed to permit the Japanese delegation and the Chinese delegation to present views. He thought they had requested opportunity for further consideration. At any rate, the matter was before the committee and there would be full opportunity for discussion, in order that disposition might be made of it.

After a statement regarding that resolution, and for reasons which he gave at the time, Mr. Root had introduced the resolution of the evening before; but that resolution did not preclude discussion of the entire question of any proposals which the delegations might desire to present.

Mr. Sze stated that he rose just to say a few words, but not on the resolution that had just been circulated, because he had not had an opportunity to study it.

The chairman said that if an interruption would be permitted, he thought reference might be made to another resolution which had just been circulated. He had not mentioned that resolution in what he had just said, because it had not been introduced. It might be introduced, later, but it had been distributed at that time merely for convenience.

Mr. Sze said that, in view of the chairman's remarks, he withdrew what he had just stated; but that he would like to make a statement with regard to the important question of wireless communications. He said that he used the word "wireless" because he noticed that there seemed to be a confusion in the terms which had been used, and that sometimes a reference was made to "wireless communications" and at other times to "electrical communications," and that, while he did not pretend to be an expert, as far as he understood it, the term "electrical communication" included a little more than the expression "wireless communication." He would therefore like to speak generally, although briefly, on the subject of wireless communications.

Mr. Sze then read the following statement:

"I hope I have made it clear on a previous occasion that wireless stations not owned and operated by the Chinese Government, at present found in China, should, at the earliest possible moment, by negotiation with owners, be handed over to the operation and control of the Chinese Government. To state it clearly, I may say that the continuance of such radio stations under foreign operation as now exist in China, without its express consent is only a matter of sufferance upon the part of China, and that their existence and continuance can be legalised only when the foreign nations concerned have obtained from the Chinese Government its formal consent thereto.

"It is known to the world that in China wire telegraphy is a Government monopoly, and it will be a logical development to this Government monopoly that the Government should establish and maintain all wireless communications within the territory of China as a Government monopoly. The two systems of communication must cooperate, and in order that this cooperation may be harmonious and efficient it is necessary that both should be owned, controlled, and operated by the Government.

"The nature of international wireless communication makes international cooperation highly desirable. This cooperation is needed in order that several stations of different nationality may not interfere with each others' wave lengths, and that unnecessarily high-powered stations may not be established, or at improper places, and that suitable arrangements may be made for the distribution by wire telegraph or otherwise within the individual states of the wireless messages when received. Therefore, this important subject of international wireless communication is a matter which should be the subject of discussion looking toward cooperation between all stations concerned. While I do not pretend to be an expert on wireless communications, it seems to me that so important an international question should be dealt with as a whole, and not by taking China as a single unit for international discussion. As this conference has been called—and its work has proved—for the purpose of assisting China by the removal of existing limitations on her sovereign rights, I am inclined to think that the public might have misapprehension should any such commission be appointed to deal with, even if only to dis-

cuss and report on, such a subject, which is manifestly China's own and sole problem. My honored friend, Senator Root, has truly remarked that it is a 'grave question of policy, which primarily and fundamentally should be determined by the Government of China.' Senator Root had also remarked yesterday that the question of competition or controlled cooperation are not uniform in practice in all countries. In view of this fact, and the importance of the whole subject of wireless communications, China, while determining for herself, wishes to have time to consider carefully the practices of other countries before deciding for herself which course to follow.

"The Chinese Government will be glad to cooperate with other powers with a view to arriving at common policies applicable to all Governments and mutually beneficial to all, with regard to radio communications between herself and those powers, and, for this purpose, to participate in a conference or other joint action for the determination of general principles and methods to be recommended to all the Governments concerned whereby this general matter may be mutually regulated in a manner similar to that by which international postal interests are harmonized and promoted."

Mr. Root said that the situation, as he understood it, was this: Mr. Viviani had introduced a resolution covering the whole ground of wireless operations in China, with a statement of several very unquestionable principles, but based upon the determination that the system should be changed from competition to cooperation. That series of resolutions had been somewhat discussed in the committee and then it had stood over, particularly on the request of Japan and China, for further discussion. In bringing it up the day before he had suggested a resolution which would to some degree accomplish what Mr. Viviani had proposed, but which would call for a report by the commission that he had suggested, to the Governments, instead of to this conference, as he felt that this was rather a foreign office question than a conference question and could not properly be considered in the conference.

Since the day before, a number of experts in wireless had been drafting what seemed to him to be an improvement on the suggestion that he had made, and that paper had been distributed and was in the hands of the delegates. That was the paper headed January 25, 1922. He thought that was a better disposition of the subject than in the paper he had suggested the previous day. The chairman had suggested he should read this alternative suggestion for the disposition of the subject presented by Mr. Viviani's proposal, which was before the committee. He then read as follows:

"The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, desiring to avoid controversies regarding electrical communication facilities and services in China, and between China and other countries, and particularly over concessions or contracts in China relating thereto, and desiring to promote the further development of the internal and external electrical communication facilities and services of China, and taking note of the general policy of the Government of China to own and operate electrical communication services within its territory, have agreed:

" (1) That the provisions set forth in the resolution concerning the open door shall apply to electrical communications in China and between China and other countries.

" (2) That in any case where, in the general interest, the rescission of an existing monopoly or preferential privilege in respect to electrical communications in China, or between China and other countries, is deemed desirable, the powers whose interests are affected stand ready to use their good offices, if requested by China, to bring about such rescission.

" (3) That no radio stations shall be erected or operated on Chinese territory without the authorization of the Government of China, and, as to any existing unauthorized station, the right of the Government of China either to order its removal or to take it over upon payment of fair and reasonable compensation is expressly recognized.

" (4) That without the express consent of the Government of China no additional radio stations shall be erected in the legation quarter at Peking, in settlements, in concessions, in leased territories, in railway areas or in other special areas; nor shall the power of existing stations in any such areas be increased; nor shall such stations carry on ordinary commercial working.

" (5) That such radio stations as are authorized by the Government of China, whether by treaty or concession, shall comply with the terms of such authorization, and with the provisions of the International Radio-Telegraph Convention or any modification thereof, and, where the stations are authorized to conduct commercial services, such services shall be available on like terms to the nationals of every country.

" (6) That any power or the nationals of any power operating radio stations in the territory of China, or in the special areas indicated heretofore, shall confer with the Government of China for the purpose of seeking a common understanding with a view to avoiding interference, subject to any general international arrangement which may hereafter be agreed to.

" (7) That the electrical communication services between China and other countries may develop in a proper and orderly manner and in accord with the policy of China, the powers stand ready to exchange views, either generally or severally, as occasion may arise."

Mr. Kammerer stated that, in looking at the new draft of the resolution, he found, at first, that it could very well serve as a basis for discussion and be substituted for Mr. Viviani's proposal and the proposal submitted by Mr. Root yesterday, but he desired to give the first or preliminary impression created upon the French delegation, which was (1) that this new document might serve as a basis, but that it would be advisable to introduce into it several of the stipulations that were included in Mr. Viviani's statement, and that would not be very difficult to accept; (2) that the new resolution ought not to interfere with the principles laid down in the resolution adopted on the 7th of December last after rather a lengthy discussion. This resolution settled definitely the point of view of the French delegation, for instance as regards the Shanghai wireless station. In the new scheme paragraphs 3, 4, 5, and 6 were either new or they had assumed a new form from the resolution passed in December. Several of them were not even in conformity with that resolution.

He would make no objection to merging the two texts into one, so as to have general harmony and have a new text which would be a little longer than this one, but he did object to changing the sense of what had been decided. He would suggest the introduction of paragraph 4 of the December resolution, in order to cover the same ground.

Senator Underwood said that at the risk of making himself tiresome on the subject, he wished to repeat again what he had said on the subject of wireless.

First, to refer to what he had said the other day about China, he had come to this conference in the utmost good faith to try to help the Chinese people establish and maintain a sovereign government and their territorial integrity, and, so far as he was concerned, he was unwilling to take any step that did not recognize that principle of the future sovereignty and integrity of China. He knew, as they all did, that China was torn to pieces at the present time by dissensions at home; but every country represented at the conference table, at some time in its history, had met a like fate. The same difficulties had been experienced in the United States, and because China was disturbed by internal differences at the present time was no reason to believe that, within the next decade, she would not have established a sound parliamentary government that would efficiently represent her people and protect the rights of foreigners dwelling within her territory. To help establish such a government was undoubtedly one of the high purposes of the conference, and he thought the conference should hesitate to take any step themselves that, for one minute, would recognize an invasion of that great principle of the sovereignty of China.

In the main he did not object to these resolutions; he thought they were a recital of what had been done before. But, as he understood the position of the radio question in China, China had made certain concessions in reference to the legations, legation rights in China, and communication between Peking and the sea. That had already been covered by the resolution that had already been passed. Outside of that, if he understood it rightly, there were no treaty rights that tied the hands of China in reference to radio communications. She had made some concessions, but those concessions, as a sovereign Government, were like a concession that the Government of the United States would make, or that of Japan would make: it was still within the power of her sovereignty, because it had not been made to a Government, but had been made to nationals of other countries, who, in taking it, had to conform to the laws of China properly administered.

His main objection to the resolution was to clause 5:

"That such radio stations as are authorized by the Government of China, whether by treaty or concession, shall comply with the terms of such authorization \* \* \*."

So far so good; but the clause continued: "\* \* \* and with the provisions of the International Radio-Telegraph Convention or any modification thereof."

In other words, if China granted the right to nationals of the Government of the United States to establish a radio station in China, that radio station had to first comply with the regulations in China

as far as it could; but, in addition to that, China had to recognize—and China became a party to this, if she entered into a treaty—that the radio station had to comply with the International-Telegraph Convention or any modification thereof; that was to say, any modification thereof as passed in a future convention; and that future convention might adopt regulations in reference to radio in China that would not be satisfactory to the Chinese Government; and yet, in such a case, China was to surrender her sovereignty, not to governments or representatives of governments, but, in reference to the regulation of those radio stations, to the representatives of corporations or individuals who controlled the International Radio-Telegraph Conventions.

He did not think the committee ought to ask China to do that. He thought it might not be a serious point; but, from his viewpoint, it was asking China to surrender her sovereignty in the control of this question to nationals or committees or organizations entirely outside of China; and he was not willing, occupying the position he did in reference to the sovereignty of China, and with his desire to see it established and maintained, to attempt to defend a proposition of that kind.

Mr. Root suggested that he thought perhaps Senator Underwood's point might be covered by inserting (in paragraph 5) after the words "with the provisions of the International Radio-Telegraph Convention or any modification thereof" the words "to which China shall consent."

The chairman, after some discussion, said that if there was no objection, the resolution proposed by Mr. Root would contain the amendment "to which China shall consent," at the place stated.

Mr. Sze asked whether that meant that China would be obliged to consent.

The chairman replied that it did not; that the phrase simply implied futurity. He thought the words in question indicate that there was no intent to have it mandatory.

Mr. Sze said he desired to ask a question for information; first, however, he wished to thank Senator Underwood for the assurance given to the Chinese delegation as to the object of the convocation of this conference. He further said that he did not wish to prolong the meeting of the conference unnecessarily.

Mr. Sze wished to inquire what resolution was now before the committee for consideration.

The chairman said he understood that Mr. Viviani's resolution was before the committee for discussion; that the previous afternoon Mr. Root had presented the resolution for the purpose of disposing of the subject matter of Mr. Viviani's resolution. That morning Mr. Root had presented a substitute resolution for the same purpose, and whatever would be germane might be discussed.

Sir Auckland Geddes said he thought that this substitute resolution which Mr. Root had brought forward was, speaking broadly, a better resolution, and indicated a better line for the committee to follow, than the resolution which had been brought forward the day before. There were one or two points arising on this draft to which he wished to call the attention of the committee.

The first of the numbered paragraphs read that the provision set forth in the resolution concerning the open door should apply to

electrical communications in China and between China and other countries. That, of course, was undoubtedly the intention of the committee, but he wondered if it was wise to reaffirm that intention in this rather narrow way. When one met a reaffirmation of this kind, one was apt to suppose that it was necessary, and that supposition very often had the effect of weakening the more general declaration. He thought the committee should look rather carefully at this first paragraph and see whether it was wise to keep it in this particular series of resolutions. He was not quite clear in his own mind as to this point.

In paragraph 4 there was a point which was of some importance, to which, in earlier discussions upon this subject in committee, he had attached considerable importance, and such thought as he had given to the matter since had not had the effect of reducing the importance which he attached to it; namely, that so far as he was aware, there was no international agreement at the present moment on the subject of the right of any embassy or any legation to have a wireless installation. He was not aware of any international instrument which would prevent him from fitting up in the British Embassy in Washington a receiver for a wireless telephone so that he might listen to communications with New York; nor was he aware of any international instrument under which it would be unlawful to put in a transmitting station there if he so wished. The same applied to every embassy, every legation throughout the world. It was a matter which had to be decided, a matter which had to be dealt with, a matter upon which probably no great difficulty would ever arise; but with the development of wireless telephones, it would be quite possible that within a short time everyone would be using wireless installations in the embassies as part of the general equipment of the city, just as any other house in the city might be using such installation.

The margin of that problem—the position of legations and embassies, and so on, as regarded wireless communications by wireless telephone or telegraphy—was just touched by this fourth paragraph. In the resolution which the committee adopted upon the 7th of December they very carefully skated around this particular point, and avoided expressing any opinion upon it by a form of words which could not be found in the first of the resolutions adopted, to which he had just referred, which said that all radio stations in fact maintained in the ground of any of the foreign legations in China should be limited, etc.

He thought it would be wise definitely to cut out of this paragraph 4, in the suggestion proposed at that time, any reference whatever to the legation quarter in Peking. If this were done, the paragraph would read “that without the express consent of the Government of China, no additional radio stations should be erected in settlements,” etc. The committee would notice that he had cut out the words “in the legation quarter at Peking.”

Then he suggested that they should take from the resolutions which were adopted on the 7th of December the following words, which were a slightly amended form of the first resolution of that date: “All radio stations in fact maintained on the grounds of any of the foreign legations in China should be limited in their use to certain official messages, \* \* \*,” etc.



*"Provided, however, That in case all other telegraphic communication is interrupted, then upon official notification, accompanied by proof of such interruption, such stations may afford temporary facilities for personal messages or unofficial messages or press matter until the Chinese Government is given notice of the interruption."*

That paragraph, repeated in these resolutions—because he understood these resolutions would replace those of the 7th of December—with the omission of the words referring to the wireless stations permitted under the International Protocol of September 7, 1901—would, he thought, meet the point with regard to legation establishment in Peking.

Sir Auckland Geddes said he felt that on this matter he, as a British representative, could speak with great freedom, because Great Britain had not and did not intend to erect a wireless station in their legation at Peking. Therefore his speaking of this particular difficulty created by the wording had no reference to a specifically British case; it was a perfectly general case that was of equal interest to all the powers present. The British had no wireless there and did not intend to erect any, but he thought it would be a mistake for the delegates, in this very limited conference, to adopt any principle with regard to the right of the legations in Peking to have means of communication with the outside world, so long as in providing that right or, rather, in not excluding the right for them to have that means of communication, it was made quite clear that the existence of such legation wireless service would not provide any competition with the commercial and government service existing in the country.

He therefore moved that the words "in the legation quarter at Peking" be struck out of paragraph 4; and he moved that a new paragraph be inserted into this draft, if it were adopted, taking the wording from the first of the resolutions adopted on the 7th of December by the committee, with the elimination of those words which did not apply to the legation stations in Peking.

So far as the other provisions of the draft were concerned, there were no major points, although there might be one or two quite minor drafting points that he would wish to change.

Paragraph 4 would stand, then, as follows:

"That without the express consent of the Government of China no additional radio stations shall be erected in settlements, in concessions, in leased territories, in railway areas, or in other special areas; nor shall the power of existing States in any such area be increased, nor shall such stations carry on ordinary commercial working."

And then a new paragraph 4 (a) would read:

"That all radio stations in fact maintained in the grounds of any of the foreign legations in China shall be limited in their use to sending and receiving Government messages, and shall not receive or send commercial or personal or unofficial messages, including press matter: *Provided, however, That in case all other telegraphic communication is interrupted, then, upon official notification, accompanied by proof of such interruption, to the Chinese Ministry of Communication, such stations may afford temporary facilities for commercial, personal or unofficial messages, including press matter, until the Chinese Government has given notice of the termination of the interruption.*"

Sir Robert Borden said that he would like to inquire what was the exact relation of this resolution to the resolution which was adopted on the 7th of December, as he understood. He had a note here that there was a resolution adopted on that date, from which Sir Auckland Geddes had just quoted.

In addition to the observations which he had made, Sir Robert Borden observed that some of the paragraphs of the resolution now proposed dealt, in almost but not quite the same terms, with subjects which were dealt with by the resolution adopted on the 7th of December. He thought the committee should make their meaning perfectly clear. Did they propose to rescind that resolution and adopt another in the stead of it, which, perhaps, would be the most convenient course, or did they propose to amend it? It was manifestly undesirable that there should be two resolutions dealing, in almost but not quite the same terms, with the same subject. He was merely making these suggestions in order that the committee might have an exact intimation as to the course proposed.

The chairman said that it was quite evident that, in part at least, the resolution adopted in the committee on December 7 covered ground which would be covered by the resolution now proposed.

The chairman had assumed that it was the intention, in bringing forward the resolution now proposed, to give an opportunity for the discussion of M. Viviani's proposal, and the general subject; and that if this resolution, as now proposed, were adopted, it would mean the presentation of a resolution of a formal character providing for the rescission of the resolution previously adopted. The procedure of the committee was rather informal, and they had not insisted upon anything which would involve them in a discussion of mere parliamentary order. However, he assumed that it was the intention now to dispose of the former resolution, if the committee so desired, and to adopt a resolution which, in the light of all that had been proposed and was now thought best, would embody the final sense of the committee upon this subject. It was with that purpose, as he understood it, that Sir Auckland Geddes had proposed an amendment which would incorporate a part of the text of the resolution adopted on December 7.

The chairman said that if there was no objection to that procedure, he would ask the views of the committee upon Sir Auckland Geddes' amendment, reserving, of course, their position with respect to the resolution as amended. The committee would take up, for the present, the consideration of the amendment itself.

Mr. Kammerer stated that as regards the amendment laid down by the British ambassador the French delegation had no objection to raise, but that there seemed to be a certain variation between the interpretations of the various texts. Mr. Kammerer further stated that he would accept, quite willingly, the new text if it was deemed desirable, as a basis for discussion, instead of that laid down by Mr. Viviani or by Mr. Root yesterday. It seemed to him, however, that the resolution of December 7 had practically exhausted the subject on which decisions could be taken; for instance, Mr. Viviani had proposed certain resolutions comprising general principles, stating broadly the main lines of those principles, but not making any immediate application. Now it seemed the discussion was turning on the point here presented, and was opening up a discussion on what had

already been passed upon in December. This could not so readily be accepted by the French delegation, because they considered that these resolutions had been passed and adopted in December and must stand as they were or else be transferred into a general resolution to be passed now. He further stated that paragraphs 1 and 7 of the new draft resolutions covered new matter; that paragraphs 3, 4, 5 and 6 could be suppressed if the former resolution stood or could be replaced by the corresponding part of the December resolution. Concerning the amendment proposed by Sir Auckland Geddes, if the French delegation could accept it as regards paragraph 4, then they would like to have it reduced to a certain wording in order that paragraph 4 should exactly conform, without changing a word, to the terms of the resolution passed in December. The French delegation was therefore of the opinion that the discussion should bear on paragraphs 1 and 2, with certain additions to be proposed, and also on paragraph 6, and replace the resolution adopted in December—use them, or replace them, if need be, by new drafting.

Mr. Kammerer further stated that the additions proposed by the French delegation were as follows:

#### “ I.

“ That the provisions set forth in the resolution concerning the Open Door shall apply to electrical communications in China and between China and other countries, according to the following rules :

“ (a) That the purpose of any radio communication scheme in China should not be to favour certain interests at the expense of others but to enable China to obtain communications by wireless established and operated as much in its own interest as that of the public of all countries.

“ (b) Radio communications within the Chinese territory shall be subject to the Chinese laws and the external radio communications (between China and other countries) shall be regulated by the International Radio-Electrical conventions and regulations.

“ (c) The Governments of the Powers mentioned in the preamble will favour the efforts made to put at the disposal of China the best technical improvements possessed by their nationals.

#### “ II.

“ That in any case where, in the general interest, the rescission of an existing monopoly or exclusive privilege in respect to electrical communications in China, or between China and other countries is deemed desirable, the Powers whose interests are affected stand ready to use their good offices, if requested by China, to bring about such rescission.

#### “ III.

“ That with a view to bringing about an orderly development of electrical communication services between China and other countries, and the prevention of friction between the various interests concerned, the Powers stand ready to exchange views either generally or severally as occasion may arise.”

Senator Lodge said that it seemed to him that the committee could proceed better if they proceeded in an orderly way. When he said "in an orderly way," he meant in an orderly, parliamentary way.

The committee had adopted certain resolutions on the 7th of December. Of course, that was simply the action of the committee. There was, so far as he was aware, no limitation by any rules that they had as to when a motion to reconsider could be made. In any event, it would have to go before the full conference and there be open to amendment and change.

The committee had before them the proposition of Mr. Viviani. Mr. Root, on the previous day had offered a resolution, and now had presented a substitute for it which would absorb both Mr. Viviani's proposition and the one previously suggested by Mr. Root. The French delegation had offered what amounted to a new resolution, or a new draft. Sir Auckland Geddes had offered an amendment, which took part of the original resolution that the committee had already agreed to, and brought it forward and put it into the resolution which was now presented by Mr. Root.

It seemed to Senator Lodge that the first appropriate step would be to reconsider the vote by which the committee had adopted the resolution of the 7th of December; that would bring the whole matter before them for action at this time. It was evident that changes were going to be made in the various rules, upon which he did not pretend to pass, as he was not a radio expert, but he thought the committee would avoid confusion if they brought up the whole subject by reconsidering the adoption of the resolution of the 7th of December. Then they would have before them all of these proposals, and they could deal with them in such manner as they pleased.

The chairman stated that the resolution, adopted December 7 in this committee, was not reported to the conference and had not been adopted by the conference. It was here in the committee for such action as might seem desirable; and probably the best course, as Senator Lodge had suggested, would be to reconsider the resolution of December 7, thus bringing up the whole matter, so that there would be no irregularity.

He then asked whether there was any objection to having the former resolution reconsidered and bringing the whole matter before the committee.

Mr. Kammerer said that he had no objection to resuming the consideration of the question, if it were only a question of form; but as to resuming debate on matters that had been heretofore considered and settled, he thought that was a different thing. He did not believe it would be in order to reopen the matter and have discussion upon subjects which, as regards substance, he thought had been finished with.

Mr. Balfour said that he was not sure that he quite understood the situation in which the committee found themselves. He asked whether he was right in supposing that the chairman wished to have before the committee contemporaneously for discussion and comparison four propositions: First, the proposition of December 7; second, Mr. Viviani's proposition; third, Mr. Root's first proposition; and fourth, Mr. Root's second proposition.

He agreed that all these ought to be considered by the committee: perhaps it would be a convenient method, as it were, to have all this material before the committee and to try and elaborate out of it some final form in which this wireless question might be considered. He personally would have been rather afraid that a discussion on those lines would be confused and difficult and somewhat prolonged unless the ground was prepared by some smaller committee than the full committee which was here assembled. On that he did not venture to pronounce; but he wished that the chairman would consider whether the committee could very usefully consider four different proposals—not fundamentally different, he admitted, but still different in substance; whether these could be considered simultaneously and the chariot run with four horses abreast—a very difficult sporting proposition.

Sir Robert Borden said there were really six horses, because there were two more.

The chairman said that he understood the situation to be as follows: Mr. Viviani had made a proposal which was discussed to a certain extent. The Chinese and Japanese delegates had requested an opportunity for further discussion and the discussion was postponed accordingly. The previous day Mr. Root had brought forward a resolution which was intended to deal with the subject matter of Mr. Viviani's proposal, and, if agreeable to the committee, to embody its sense upon the subject. At the present meeting Mr. Root brought forward a substitute resolution with the same purpose. In the discussion of this substitute resolution an amendment had been suggested which brought forward one of the paragraphs, in substance, which had been adopted in the resolution of December 7. It was found that the resolution proposed by Mr. Root at the present meeting occupied some of the ground taken by the resolution of December 7. Apparently, therefore, it was contemplated that the former resolution should be rescinded and a new resolution adopted embodying the final sense of the committee. In order to present the matter in a regular way, Senator Lodge had moved to reconsider, that the matter might be fully discussed.

The chairman thought that, no matter what particular form of procedure was adopted, the delegations would deal with this from their point of view with respect to the substance of the matter, and that it made really very little difference, so long as the committee had the subject before them and something concrete to consider, what form of procedure was adopted. The important matters were the matters of substance, and no matter what resolution was before the committee, if it was discussed at all, those points would be presented. The important thing was that they should be presented and that there should be an opportunity for a full exchange of views. The chairman's suggestion would be, subject to the approval of all present, that this discussion should be terminated for the moment; that the former resolution should be reconsidered; that the proposals made, including the terms of the former resolution, Mr. Viviani's resolution, and that the resolution offered that morning, should be referred to the drafting committee to submit a concrete proposal which it might be supposed would meet with favor and which would focus discussion upon a single matter.

Senator Schanzer stated that he thought the reference of the matter to the drafting committee would be a rather complex matter. As he understood it, out of four resolutions there were really only two left. He did not understand that Mr. Kammerer insisted on Mr. Viviani's resolution, but he thought that would, of course, be included in the consideration of the matter. Therefore he thought the committee still had before them as a matter for discussion Mr. Viviani's proposal in this sense, that some of the demands of Mr. Viviani's proposal should be embodied in Mr. Root's proposal. He thought the drafting committee ought to know how to proceed, ought to be instructed before proceeding, as they would be called on to make a single text out of Mr. Root's proposal and the proposal of December 7. The resolution passed in December could not be rescinded, he thought, and it contained an element which could not be dispensed with. Therefore, before referring to the drafting committee, he thought it would be better that the full committee now present should decide whether they were to adhere to the principles laid down in Mr. Root's draft, or otherwise the drafting committee would not be able to make any decision. Also, he thought it was necessary that the French delegation should inform the committee what amendments in their opinion should be introduced. Then this committee could decide; otherwise the drafting committee could only decide as to form and not as to substance and would not know how to proceed.

Baron Shidehara said that he had no objection to referring the whole matter to the drafting committee. At the same time he fully agreed with the opinion expressed by the French delegation that it would be unwise to reconsider and to rescind the substance of the resolution of December 7, which was adopted after considerable discussion.

Sir Robert Borden said that he was just going to suggest that after all there did not seem to be very important questions of principle involved. Therefore, it seemed to him the matter might well be referred to the drafting committee. It was obvious the committee would not make much progress in a discussion of this character. Further than that, he supposed that each one of the delegations was thoroughly represented upon the drafting committee, and it would not seem to be going too far to adopt the suggestion which Mr. Kammerer had made, that all these proposals might be taken into consideration by the drafting committee, and that they might be charged with the duty of reconciling them and of adopting anything that seemed necessary, even if it should go a little further than the ordinary duty of that committee as it had been considered in the past.

The chairman said the point was simply that, in order to have the matter before the committee, the former resolution should be reconsidered and the matter committed to the drafting committee to bring forward a concrete proposal which would be deemed to embody the sense of the committee, which the committee could then deal with and act upon. At present the committee were taking up their time on matters that were really procedural.

The chairman then asked if there were any objection to the course suggested. The committee was polled, and assent was unanimously given to the proposal to reconsider the resolution of December 7 and to submit the matter to the subcommittee on draft.

As no other subject was brought forward for discussion, the meeting was adjourned until Thursday, January 26, 1922, at 11 o'clock a. m.

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**TWENTY-SEVENTH MEETING—FRIDAY, JANUARY 27, 1922,  
3.30 P. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray, Mr. Rogers.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. Silvercruys.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes. Senator Pearce (for Australia). Accompanied by Mr. Christie. Sir H. Llewellyn Smith, Mr. Lampson, Mr. Bajpai, Mr. Brown.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. Hawking Yen, Dr. M. T. Z. Tyau, Mr. C. Zee, Mr. T. H. Koo.

*France.*—Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Garnier, Mr. Girardeau.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Sawada.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general. Accompanied by Mr. Pierrepont, Mr. Osborne, and Mr. Wilson. Mr. Camerlynck and Mr. Talamon, interpreters.

1. The twenty-seventh meeting of the Committee on Pacific and Far Eastern Questions was held January 27, 1922, at 3.30 o'clock, in the Columbus Room of the Pan American Building.

2. Those present were: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, Mr. Jusserand; for Japan, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Italy, Senator Schanzer, Senator Albertini; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The secretaries and technical advisers present included: For the United States, Mr. Wright, Mr. MacMurray, Mr. Rogers; for Belgium, Mr. de Warzee, Mr. Silvercruys; for the British Empire, Mr. Christie, Sir H. Llewellyn Smith, Mr. Lampson, Mr. Bajpai, Mr. Brown; for China, Dr. Hawking Yen, Dr. M. T. Z. Tyau, Mr. C. Zee, Mr. T. H. Koo; for France, Mr. Kammerer, Mr. Garnier, Mr. Girardeau; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Sawada; for the Netherlands, Jonkheer van Starkenborgh, Mr. de Kat Angelino.

The secretary general, assisted by Mr. Pierrepont, Mr. Osborne, and Mr. Wilson, was present. Mr. Camerlynck and Mr. Talamon, interpreters, were also present.

4. The chairman (Mr. Hughes) called the meeting to order, and said that the committee would hear the report of the subcommittee on drafting in relation to the matter of electrical communications in China.

Mr. Root said that the subcommittee on drafting reported back to the full committee the resolution adopted on the 7th of December, 1921, and recommended its readoption without change.

At the same time he was instructed to lay before the committee a declaration in the following words:

**"DECLARATION CONCERNING THE RESOLUTION ON RADIO STATIONS IN CHINA OF DECEMBER 7, 1921.**

"The powers other than China declare that nothing in paragraphs 3 or 4 of the resolution of December 7, 1921, is to be deemed to be an expression of opinion by the conference as to whether the stations referred to therein are or are not authorized by China.

"They further give notice that the result of any discussion arising under paragraph 4 must, if it is not to be subject to objection by them, conform with the principles of the open door or equality of opportunity approved by the conference."

He asked that this declaration be spread upon the minutes of the committee and moved the readoption of the resolution of December 7, which he assumed it was not necessary to read.

The chairman said the committee had heard the report of the drafting committee. Its recommendation was that the full committee readopt the resolution which had been adopted December 7, 1921, by the conference, without change. He thought it was unnecessary again to read this resolution.

As there was no discussion, a vote was taken, and the resolution was unanimously readopted, as follows:

"The representatives of the powers hereinafter named participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit: The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, have resolved:

"1. That all radio stations in China whether maintained under the provisions of the international protocol of September 7, 1901, or in fact maintained in the grounds of any of the foreign legations in China, shall be limited in their use to sending and receiving government messages and shall not receive or send commercial or personal or unofficial messages, including press matter: *Provided, however,* That in case all other telegraphic communication is interrupted, then, upon official notification accompanied by proof of such interruption to the Chinese Ministry of Communications, such stations may afford temporary facilities for commercial, personal or unofficial messages, including press matter, until the Chinese Government has given notice of the termination of the interruption;

"2. All radio stations operated within the territory of China by a foreign government or the citizens or subjects thereof under trea-



ties or concessions of the Government of China, shall limit the messages sent and received by the terms of the treaties or concessions under which the respective stations are maintained;

"3. In case there be any radio station maintained in the territory of China by a foreign government or citizens or subjects thereof without the authority of the Chinese Government, such station and all the plant, apparatus and material thereof shall be transferred to and taken over by the Government of China, to be operated under the direction of the Chinese Ministry of Communications upon fair and full compensation to the owners for the value of the installation, as soon as the Chinese Ministry of Communications is prepared to operate the same effectively for the general public benefit;

"4. If any questions shall arise as to the radio stations in leased territories, in the South Manchurian railway zone or in the French concession at Shanghai, they shall be regarded as matters for discussion between the Chinese Government and the government concerned;

"5. The owners or managers of all radio stations maintained in the territory of China by foreign powers or citizens or subjects thereof shall confer with the Chinese Ministry of Communications for the purpose of seeking a common arrangement to avoid interference in the use of wave lengths by wireless stations in China, subject to such general arrangements as may be made by an international conference convened for the revision of the rules established by the International Radio Telegraph Convention signed at London July 5, 1912."

The chairman said that the subcommittee had reported the declaration just read by Mr. Root with the request that it be spread upon the records as the sense of the committee.

As there was no desire for discussion, a vote was taken, and China not voting, the proposal was adopted.

Mr. Sze said that he wished to say a word or two with reference to China's policy with regard to radio communication and the position of China on the status of wireless stations now existing in China without China's consent. He had read a statement on that question at the last meeting of the committee, so that he would not take more time that day than to read a declaration. The declaration just read by the chairman was on the part of the eight powers. The one he would now read was on the part of China and he would like to have it spread upon the records of the committee. He read as follows:

"The Chinese delegation takes this occasion formally to declare that the Chinese Government does not recognize or concede the right of any foreign power or of the nationals thereof to install or operate, without its express consent, radio stations in legation grounds, settlements, concessions, leased territories, railway areas or other similar areas."

Mr. Sze said that the declaration was so clear it was not necessary for him to add any explanation.

The chairman announced that the foregoing declaration would be spread upon the records. He then asked if any other report from any committee was ready to be acted on, or if there was any other matter to come before the meeting.

Mr. Balfour said he understood that the Italian delegation had not yet received an answer with regard to the arms embargo resolution.

Senator Schanzer said that understanding was correct.

Mr. Balfour said that he, therefore, presumed that Senator Schanzer would think it necessary to defer a final decision of this question until he had received that answer.

Senator Schanzer replied in the affirmative.

Mr. Balfour stated that he was not sure, however, that it would not be a convenient moment to ask the opinion of the conference with regard to a point raised by the delegate from the Netherlands. Jonkheer Beelaerts, he said, had been good enough to write to him to express his entire approval of the general policy of the resolution, but he had explained that the phrase "materials destined exclusively for their manufacture," which occurred in the middle of the first paragraph, might be difficult for him to accept, because he believed that it was not consistent with existing laws of the Netherlands.

Mr. Balfour added that it had occurred to him that perhaps Jonkheer Beelaerts would be satisfied, and perhaps the whole conference would be satisfied, if a modification were introduced, as follows:

"The United States of America," and so on, "affirm their intention to refrain from exporting to China arms or munitions of war, whether complete or in parts," the last phrase—"whether complete or in parts"—to be taken as a substitute for the words "or materials destined exclusively for their manufacture."

Mr. Balfour said he was not quite sure whether that would satisfy his colleagues of the conference. He was not quite sure whether it would be entirely satisfactory to the Netherlands Government. He had had the opportunity of a little private conversation with his colleague from the Netherlands on this subject, but he was not in a position to speak conclusively on that point. He imagined, however, that there would be no difficulty from that point of view, if it were thought that the resolution, so amended, would cover the ground. On that point he was not very competent to speak, but he would have thought that it did cover the ground to all practical purposes.

It was not necessary to settle it now, since, owing to the absence of an Italian answer, it could not be dealt with finally at this meeting.

Jonkheer Beelaerts van Blokland remarked that, as Mr. Balfour had already told the committee, he had been informed by his Government that the Netherlands laws contained adequate provision for the immediate carrying out, both in the mother country and in the East Indies, of the resolution except in so far as it dealt with material destined for the manufacture of arms and munitions. He thought the amendment would probably meet this difficulty. He was, however, not in possession of the actual text of the laws in question, and, therefore, did not desire at this moment to express more than a personal and provisional opinion. As instructions were still being awaited by the Italian delegation before it was ready to act, Jonkheer Beelaerts would like to use the intervening time for renewed consultation with his Government.

The chairman suggested that, pending the receipt of word from the Italian Government and the Netherlands Government—

Baron de Cartier interrupted to say that the Belgian Government was in the same position.

The chairman added the Belgian Government and suggested that, it might be well if the suggestion made by Mr. Balfour for the amendment of the article were considered by the committee in order to draw out any questions which other delegations might desire to raise and to avoid delay at a later date, with the understanding that the three Governments to which he had referred were not ready to speak. What he had said did not, of course, apply to them, but if there were other objections that could be considered, it might aid the delegates who were communicating with their Governments, if they knew them.

The amendment suggested, he understood, was the omission, in Article I, of the resolution on arms embargo, of the words "or material destined exclusively for their manufacture" and the substitution of the words "whether complete or in part"; so that it would read: "to refrain from exporting to China arms or munitions of war, whether complete or in parts, and to prohibit such transportation," etc.

The chairman asked if there was any objection to that amendment. The resolution could not be acted upon at this time, but he understood that there was no disposition, at least at the moment, to object to the amendment proposed by Mr. Balfour.

He asked if there was any desire to bring any other matter before the committee.

Mr. Kammerer stated that he wished to point out that according to paragraph 3, the resolution would apply to all concessions and settlements in China. He said that France had no objection to this so far as the substance of it was concerned; but there were 120,000 inhabitants in the French concession at Shanghai and a police force was maintained there to keep order, consisting of about 100 Europeans and 200 Chinese, armed with about 300 rifles or guns. This was, he said, not an important matter, but at the same time the French delegation was anxious to avoid the responsibility that, as a consequence of this resolution, France might be prevented from keeping this police force supplied with a sufficient number of arms. He thought that that could hardly be considered a form of militarism.

Mr. Balfour said that if Mr. Kammerer's question had been addressed to him, he might point out to the French delegation, that, as he understood the matter, the supply of any armed forces by the country to whom those armed forces belonged was not "export" within the meaning of the resolution.

Mr. Kammerer said that the resolution might nevertheless give rise to some misunderstanding, inasmuch as the police in the French concession at Shanghai were not, strictly speaking, French forces, but were Chinese natives operating under French administrative authority. It was not an important question, but he desired to point out to the committee that it was a specific case where difficulty might arise.

The chairman said that he supposed that this suggestion would not create any great difficulty but that it ought, nevertheless, to receive attention in the final phrasing of the resolution.

Mr. Kammerer stated that he would be content with having the views of the committee in regard to the question recorded in the minutes.

The chairman said that, if there was nothing further which it was desired to present to the committee, he had been requested by some of the delegates to suggest that, when an adjournment was taken, the committee should adjourn until Monday morning at 11 o'clock. If that was agreeable to the delegations the committee would stand adjourned until that time.

The committee then adjourned until Monday, January 30, 1922, at 11 o'clock a. m.

**TWENTY-EIGHTH MEETING—TUESDAY, JANUARY 31, 1922,  
5.10 P. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India). Accompanied by Sir Llewellyn Smith, Mr. Christie, Mr. Malkin, Mr. Lampson, Mr. Bajpai.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. Hawking Yen, Mr. M. T. Z. Tyau, Mr. C. Zee, Mr. T. H. Koo.

*France.*—M. Jusserand, M. Sarraut. Accompanied by M. Denain, M. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini. Accompanied by Count Pagliano, Mr. Bruno-Averardi.

*Japan.*—Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Debuchi, Mr. Kimura, Mr. Sawada.

*The Netherlands.*—Jankheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Mr. de Kat Angelino, Jonkheer van Starkenborgh.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

The secretary general, accompanied by Mr. Pierrepont, Mr. Creson, Mr. Camerlynck and Mr. Talamon, interpreters.

1. The twenty-eighth meeting of the Committee on Pacific and Far Eastern Questions was held in the Columbus Room, Pan American Building, Tuesday, January 31, 1922, at 5.10 p. m.

2. Those present were: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Dr. Wang; for France, M. Jusserand, M. Sarraut; for Italy, Senator Schanzer, Ambassador Ricci, Senator Albertini; for Japan, Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The secretaries and technical advisers present included: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. de Warzee; for the British Empire, Sir Llewellyn Smith, Mr. Christie, Mr. Malkin, Mr. Lampson, Mr. Bajpai; for China, Dr. Hawking Yen, Mr. M. T. Z. Tyan, Mr. C. Zee, Mr. T. H. Koo; for France, M. Denaint, M. Ponsot; for Italy, Count Pagliano, Mr. Bruno-Averardi; for Japan, Mr. Saburi, Mr. Debuchi, Mr. Kimura, Mr. Sawada; for the Netherlands, Mr. de Kat Angelino, Jonkheer van Starckenborgh.

The secretary general, assisted by Mr. Pierrepont and Mr. Cresson, was present. Mr. Camerlynck and Mr. Talmon, interpreters, were also present.

4. The chairman (Mr. Hughes) said that, with the committee's permission, a short session only would be held, as certain of the delegates present had requested that they should have an opportunity to deal with other matters.

The main object of the meeting would be to put into form and in a suitable convention the results of the work of the committee.

In order to facilitate the work of the Naval Committee of Fifteen, a subcommittee had been appointed consisting of the chiefs of delegations, attended by their experts. This subcommittee had considered the draft of the treaty, and it had been found a very advantageous course of procedure, because it involved a relatively small group. Many hours of dealing with texts, would have been increased to many hours more had they not had the advantage of a relatively small number at work.

The chairman said he should like to suggest this plan for the consideration of the present committee. He understood that the work to be done by them might be divided into three classes. There was one class of resolutions, passed by them which did not require treaty form to be effective. There were resolutions in which action was taken under treaties already in force; as, for example, in relation to extraterritoriality. There were treaties which had already been made between nations, but conditions of fact remained to be explored. There were also other provisions; for example, with regard to the postoffices in China, and also with regard to the withdrawal of troops; also with regard to the withdrawal of radio stations. These were all matters where the action might be regarded as binding upon the powers as they now stood, taken under the committee's resolutions. The execution of those matters did not require the formal convention. There was, however, another class, where conventions or treaties were needed, notably in the case of the customs tariff, where there should be a modification of the existing tariff or provision for new customs schedules.

Furthermore, the committee had adopted a variety of declarations of principle to govern the action of the powers in the future, which, of course, would appropriately form the subject of a treaty or convention.

If the general classification he had just given met with favor, the chairman suggested that a subcommittee be appointed, consisting of the heads of delegations, who, with their experts, should draft these treaties and present them in form to this committee at their earliest convenience. He asked if there were any objection to that course.

Mr. Sze suggested that, so far as the Chinese delegation was concerned, he would prefer that his colleague Dr. Koo should serve on that subcommittee.

The chairman said that of course each delegation might decide which of its members should serve on the committee. He had suggested the chiefs of delegations, but if any delegation desired to have some one other than the chief serve, there would be no objection.

There being no objection he assumed agreement and he asked that the said subcommittee meet at 3 o'clock the following day if the plenary session adjourned in time.

The chairman added that the other matter which could be acted upon at this meeting, unless it should lead to considerable discussion, was the amended resolution with regard to the arms embargo. That resolution, as amended at the meeting of January 27, he understood to read as follows, and Mr. Balfour would correct him if he had not the text in its amended form:

"I. The United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal affirm their intention to refrain from exporting to China arms or munitions of war, whether complete or in parts, and to prohibit such exportation from their territories or territories under their control, until the establishment of a government whose authority is recognized throughout the whole of China.

"II. Each of the above powers will forthwith take such additional steps as may be necessary to make the above restrictions immediately binding.

"III. The scope of this resolution includes all concessions and settlements in China.

"IV. The United States of America will invite the adherence to this resolution of the other powers in treaty relations with China."

The chairman stated that the importance of this resolution was fully recognized. The American Government has authority, through the action of its Executive, authorized by Congress, to restrain the exportation to China of arms or munitions of war, whether complete or in parts, and it was believed that, under existing conditions which had been fully portrayed here and as to which he need say nothing further, a resolution of this character should be adopted as expressing the sense and agreement of this committee.

At the last meeting at which this had been considered, he thought two delegations had desired to consult their Governments for instructions.

Jonkheer Beelaerts van Blokland stated that he was glad to be able to inform the committee that his Government had authorized him to accept the text of the resolution as it had been amended by Mr. Balfour.

Senator Schanzer stated that he had received instructions from the Italian Government authorizing him to adhere to the resolution as amended by Mr. Balfour, but retaining the reservation entered by Italy with regard to the terms of the Peking protocol of May 5, 1919, concerning arms already imported into China in virtue of previous engagements.

Baron de Cartier stated that he likewise had been authorized by his Government to accept Mr. Balfour's amendment.

Mr. Koo stated that it was the understanding of the Chinese delegation that the purpose and scope of the proposed resolution was to hasten the termination of the present political unrest in certain parts of China by prohibiting the supply of arms and munitions to the revolutionary and insurgent factions in China. If that understanding was correct, he had no desire to make any observations. There was one point, however, to which he wished to invite the attention of his colleagues on the committee, namely, that, as the language of the article now stood, it seemed that there was no express time limit fixed to the resolution, and, if that should be the intention, it would obviously work a great inconvenience and prejudice the legitimate interests of China, because it was well known that any Government has to attend to the needs of national defense as well as to the maintenance of public order within its own territory. Therefore, if the committee thought it necessary to adopt some such resolution, he ventured to suggest that a time limit should be expressly fixed, of course without prejudice to the legitimate needs of the Government of China for the purposes indicated by him. He therefore wondered whether Mr. Balfour, who had originally moved this resolution, and the other members of the committee, would accept the insertion of a clause setting a time limit to the operation of the resolution, inasmuch as the present conditions in China were merely temporary, and in meeting a temporary situation he ventured to think that it was not intended unnecessarily to restrict the liberty of action of China for any definite period of time. He thought perhaps a period of two years would be as long as would be feasible.

Mr. Balfour said he thought that all the members of the committee would sympathize with the Chinese delegation in thinking that this was not to be a perpetual limit upon the power of the Chinese Government or Chinese subjects to import arms into China. No one would desire such a limitation to be rendered perpetual, and there was much force in the argument that the importation of arms might be necessary in order to give China legitimate methods of self-defense against external aggression. At the same time, he would call the attention of his friend, Mr. Koo, to the fact that this was not really an unlimited proposal at all. The limitation was contained in the last clause of the first paragraph, which read, "until the establishment of a Government whose authority is recognized throughout the whole of China."

If it were admitted as a question of general policy that the powers ought not to import arms into China while there were great armies kept up owning no control by the Central Government, surely that condition of things, if it lasted for more than two years, as he most earnestly hoped it would not—that condition of things would clearly justify a prohibition of arms after two years as it did before the expiration of two years. What would justify the cessation of this prohibition was the cessation of the condition of things which initially justified it, and that cessation was provided for in Clause I, and, so far as he could see, was adequately provided for. He asked whether the committee would not look rather foolish if, at the end of two years, the present unhappy condition of things were still found to prevail, and the provision that the committee had made against its

aggravation were withdrawn automatically and without any reference to the circumstances then existing in China.

He would, therefore ask the Chinese delegation whether they did not think that any arbitrary time limit, be it long or be it short—any time limit, that is to say, which took no account of conditions in China when the termination of the prohibition was in sight, was one that could hardly be justified in reason and might produce extremely difficult results in practice.

On the whole, though, he entirely agreed with some of the arguments used by Mr. Koo, and entirely sympathized with the spirit of his amendment. Mr. Balfour ventured to think that a hard and fast termination of this treaty was hardly consistent with the spirit in which the committee had originally conceived it.

The chairman suggested that there was hardly time for further discussion at that time and that, unless the committee were ready to act upon it, he would propose adjourning.

Mr. Hanihara stated that, after having heard the observations of the Italian delegation, he desired time for further discussion of this subject.

The chairman noted that the representatives of Japan wished further discussion of this subject. Therefore, if agreeable to the committee, adjournment would be taken. His suggestion was this: The delegates being anxious, as had already been stated in the other committee meeting, and that the committee should close its proceedings as soon as possible, and that there should be a plenary session the following day at 11 o'clock, there would be a meeting of the subcommittee on draft of the treaties relating to China at 3 o'clock, or as soon thereafter as possible. There were various matters before this committee—this subject which had been discussed, the report of the Committee on the Chinese Eastern Railroad, and other matters; so he would suggest meeting the next afternoon at half past 4. He did not wish to have too much crowded into a short time, but he knew that some of the delegates were very anxious to finish this week. Whether that could be done or not he was unable to say; but it would be done if the chairman could bring it about. He did not mean to suggest that by this arrangement any discussion that was necessary would be foreclosed, but simply that the committee should proceed as rapidly as possible.

Whereupon the committee adjourned until Wednesday, February 1, 1922, at 3.30 o'clock p. m.

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**TWENTY-NINTH MEETING—WEDNESDAY, FEBRUARY 1, 1922.  
4.45 P. M.**

**PRESENT.**

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee, Mr. Silvercruijs.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia).



Mr. Sastri (for India). Accompanied by Mr. Lampson, Mr. Bajpai, Mr. Christie.

*China*.—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by Dr. Hawking Yen, Dr. M. T. Z. Tyau, Mr. C. Zee.

*France*.—Mr. Jusserand. Accompanied by Mr. Kammerer, Mr. Ponsot, Mr. Touzet.

*Italy*.—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan*.—Admiral Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Tomita.

*Portugal*.—Viscount d'Alte, Capt. Vasconcellos.

*The Netherlands*.—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starckenborgh.

The Secretary General.—Assisted by Mr. Paul and Mr. Wilson. Mr. Talamon, interpreter.

1. The twenty-ninth meeting of the Committee on Pacific and Far Eastern Questions was held at 4.45 o'clock p. m., Wednesday, February 1, 1922, in the Columbus Room of the Pan American Union Building.

2. There were present: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes; Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India); for Belgium, Baron de Cartier; for China, Mr. Sze, Mr. Koo, Mr. Wanf; for France, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The following Secretaries and Technical Advisers were present: For the United States, Mr. Wright, Mr. MacMurray; for Belgium, Mr. de Warzee, Mr. Silvercruys; for the British Empire, Mr. Lampson, Mr. Christie, Mr. Bajpai; for China, Dr. Hewking Yen, Dr. M. T. Z. Tyau, Mr. C. Zee; for France, Mr. Kammerer, Mr. Ponsot, Mr. Touzet; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Tomita; for the Netherlands, Jonkheer van Starckenborgh.

The secretary general of the conference, assisted by Mr. Paul and Mr. Wilson, was present. Mr. Talamon, interpreter, was also present.

The chairman, Mr. Hughes, said that at the adjournment the afternoon of the day before, the committee were discussing the arms embargo resolution, and he thought they had reached a point at which the Japanese delegation desired to make some observations.

Mr. Hanihara said that the Japanese delegation was prepared to accept yesterday afternoon the resolution that was proposed, but after hearing the reservation made by the Italian delegation the Japanese delegation now felt constrained to make a statement in that connection.

The Japanese delegation, he said, was in entire accord with the spirit and purpose of the proposed resolution. In fact, the Japanese Government, ever since the adoption of the Peking resolution of April 26, 1919, laying an arms embargo on China, had most strenuously endeavored faithfully to carry out that resolution in spite of

the great difficulty in preventing the execution of several important contracts for the sale of arms which were made previous to the resolution referred to, that is from July, 1918 to January, 1919. Japanese merchants had legitimately entered into contracts with central and provincial authorities of China, in which considerable sums of money were actually involved. It was solely due to the earnest desire of the Japanese Government to see an early establishment in China of a united and stable government that they had been endeavoring to cope with this difficulty. Now, the fact that the Italian Government proposed to maintain their reservation of May, 1919, that the resolution should not be retroactive, it placed the Japanese Government in a very embarrassing situation, especially because the contracts of the Japanese merchants already referred to were of a very important character.

The Japanese Government had been trying hard to prevent the merchants from executing those contracts.

Under the circumstances, if the Italian Government proposed to maintain their position, the Japanese delegation must reserve the freedom for their Government to take such appropriate steps as might be necessary to remove the undue hardship thus imposed on bona fide Japanese merchants. With that understanding, the Japanese delegation was more than willing to accept the resolution.

The chairman asked if he might inquire of the Italian delegation with respect to the scope of the reservation, of which the text was as follows:

"We are authorized to adhere to the resolution, but maintaining the reservation made by Italy with regard to the protocol of May, 1919, concerning the arms we import into China, independent of previous engagements."

He asked if he was to understand that the reservation made by Italy had reference solely to engagements made before the protocol of May, 1919, or whether it meant also engagements made at a later time.

Senator Schanzer said that he could not modify the declarations he had made, because he was guided by instructions from his Government. On the other hand, he could not give an interpretation of the reservation to which he had referred, the text of which was well known. The Italian delegation, nevertheless, accepted not only the spirit of Mr. Balfour's proposal, but also the wording of the entire text. The principle of nonretroactivity was a principle which prevailed in questions of law. He therefore did not believe that the reservation made on behalf of his Government could impair the general adoption of the proposal referred to.

The chairman said he did not ask his question in any spirit of criticism, but merely to ascertain the intent of the reservation. As he understood Senator Schanzer, the purpose of the reservation had been to give effect to the reservation made at the time of the protocol in 1919. If that was a correct understanding, then he understood the present reservation made by the Italian Government related only to agreements made before May, 1919, and not to agreements made between May, 1919, and the present date. He wanted to be sure on that point.

Senator Schanzer said that his reservation was based on a telegram which he had received from his Government, and which he had the

honor to bring before the committee. According to this telegram, the Italian delegation was authorized to adhere to Mr. Balfour's resolution, without renouncing Italy's reservation on the Peking protocol of 1919, referring to arms imported under prior engagements. If the committee desired, and it was possible to await an answer, Senator Schanzer would immediately telegraph his Government for further explanations.

Mr. Balfour said the situation appeared to him to be very obscure, and he did not know whether the committee were in a position to act in it. As he understood the matter, the Italian Government had agreed in 1919 to an embargo on arms, but had made the reservation to which reference had already come from many quarters. The reservation had been to this effect: The Italian Government, on May 12, 1919, reserved the right to execute contracts concluded prior to the agreement. Now, as he understood it, they renewed that reservation. That sounded quite a simple and unambiguous statement, but quite definitely it was capable of two interpretations, which differed one from the other.

Did they only mean that the Italian Government were going to maintain the reservation of contracts before May 5, 1919, or did they mean to reserve contracts made before February, 1922? Those were evidently very different propositions and both seemed to be covered by the mere language of the reservation which Senator Schanzer had referred to.

If the first of these meanings was the right one, if, in other words, only the contracts which they proposed to reserve were the contracts made before the 6th of May, 1919, then he quite understood the difficulty must long ago have lapsed and lost all interest for anybody. A contract which was as old as that would, he felt, be exhausted, unless it was a contract for producing a perpetual stream of arms flowing into the country. In that case the reservation, he would have supposed, would have very little present effect; \* \* \* but he would like to have assurances on that point. If, on the other hand, the reservation applied to every contract made before the present date, every contract, in other words, not only made before 1919, but made before February, 1922, then he quite understood the difficulty which the Japanese Government felt in assenting to this proposal; because, the Japanese Government, as he understood it, like the British Government, and no doubt, like other Governments, had refused during these years to allow their citizens to enter into or execute very profitable contracts for the sale of arms to the central and other authorities in China. They could not be expected to do that if they found that under the cover of a reservation there was freedom of manufacture and import into China enjoyed by other countries from which they were debarred by the terms of their arrangement.

Mr. Balfour did not know whether Senator Schanzer had received any information from his Government on this subject which would enable him to answer the particular question which he (Mr. Balfour) rose to put, namely, whether the contracts referred to, to which reservation was made, were old contracts, entered into before May, 1919, or whether they embraced any contracts made subsequent to that date.

Sir Robert Borden said that it seemed to him a question as to whether or not the Italian delegation were merely maintaining the old reservation or making an entirely new one. The old reservation had definite relations to a particular period. If it was merely intended to maintain that, as Mr. Balfour had pointed out, that was one thing; but if, by reason of the reaffirmation of this resolution, and perhaps the inclusion of powers that were not parties to it in the first instance, an entirely new reservation was to be put forward, one which had no relation to April, 1919, but had relation to February, 1922, that as Mr. Balfour pointed out, was an entirely different thing. It would be very dangerous if that practice should prevail. It would be very dangerous to reaffirm this resolution very often, because in the very nature of things, one might extend the date from time to time to which the reservation would apply.

Sir Robert Borden continued that when he heard Senator Schanzer make the reservation in the first instance, he distinctly understood it was merely for the purpose of maintaining a reservation already made, and he did not understand at that time, although he may have been under misapprehension, that it was the intention of the Italian Government to make an absolutely new and different reservation, because it was obvious that the two things were not coextensive; that the reservation which was to apply to February, 1922, was not the same reservation which had effect from April, 1919.

The chairman said that it seemed to be quite impossible to resolve this difficulty without the aid of the Italian delegation. The question related to the meaning of their reservation. The very fact that the question had been put, and put as clearly as might be, and that Senator Schanzer did not feel that, under his instructions, he could answer definitely, certainly raised the doubt. Now, if that doubt, with the effect that it had upon the attitude of the Japanese delegation, was such as to make it impossible to deal with the matter in the terms of this resolution as proposed, then he should suppose that the only way of meeting the situation was to request the Italian delegation to obtain instructions upon the point as soon as possible, in the hope that such instructions might be received in time to permit the committee to act. He saw no alternative, unless it was felt, and he left that to the proposer of the resolution, whether, assuming that the reservation had the scope which it might have so as to relate to all contracts prior to this time, it might be still of some advantage to pass the resolution, or at least that it might be passed in view of the similar attitude of the Japanese delegation, unless the mover of the resolution felt that that was practicable, he saw nothing but to ask for further light upon the matter from the Italian delegation after they had been instructed.

Mr. Hanihara said that he was afraid he had not made himself entirely clear. The Japanese position was this: Japanese merchants had contracts which were made prior to 1919. In fact, those contracts were made during the period of July, 1918, to January, 1919. The Japanese Government had not allowed its people to make any contracts for arms sales since that time.

When the Italian representative at Peking made that reservation to the Peking resolution of April, 1919, the representatives there of all the other powers interested asked him to withdraw his reserva-

tion; and, if he (Mr. Hanihara) remembered correctly, since that time the matter had been taken up by the several governments concerned; and representations were made to the Italian Government to withdraw its reservation. The records of the Japanese delegation show that in September, 1919, the Italian foreign minister assured the Japanese ambassador at Rome that the Italian Government was prepared to withdraw its reservation. He had not all the telegrams or notes which had been exchanged, but anyway it was a fact that the matter had been taken up with the Italian Government several times since. Now, at this time, if the Italian reservation of 1919 was to be maintained, the difficulty of the Japanese Government would remain the same, no matter whether that reservation related to only those contracts made previous to the Peking resolution or covered all contracts made before the present date.

Senator Schanzer asked Mr. Hanihara to be good enough to repeat the last part of his statement.

Mr. Hanihara said he tried to make this point clear. If the Italian reservation referred to those contracts which had been made previous to the Peking resolution of 1919, or to all the contracts previous to this date, it would make no difference so far as Japan was concerned, because they had no contracts since the Peking resolution—not, in fact, since January, 1919.

The chairman said that the committee seemed to be making no progress with this matter. In the light of Mr. Hanihara's statement that it made no difference whether or not the Italian reservation was broad or narrow, so far as the attitude of the Japanese Government was concerned, it seemed to the chairman that the question was, on the part of the mover of the resolution, whether he cared to press it.

Mr. Balfour said that he hardly thought he should be appealed to as to what course the committee should pursue. He was inclined to think that they would accomplish nothing by further discussion around this table. They were ignorant of the precise bearing of the Italian reservation, and they were ignorant of the precise character of the contracts referred to in that reservation. They did not know whether these contracts were exhausted, they did not know whether they were still running; in fact, they were completely in the dark as to the general position. He was therefore inclined to believe that this question must be remitted to the more ordinary and in many respects the less effective machinery of diplomatic negotiation—at Rome, at Tokyo and Washington and London and elsewhere—but it would be impossible for the committee to come to any conclusion before the termination of this conference. He hoped the net result was not a very serious one from the point of view of China; but be it serious or not serious, he saw no way out of it. The instructions of the Italian delegates were quite formal and the committee understood not only that they could not be transgressed, but why they could not be transgressed. The position of the Japanese delegation appeared to be entirely clear, and Mr. Balfour thought it had a large measure of justification, so far as their knowledge went and so far as the knowledge of the committee went; and under those circumstances he believed it would be best for the transaction of what remained of business before the committee if he now withdrew the resolution. This he now did.

The chairman said that he spoke without opportunity to consult with his colleagues on the American delegation; but it occurred to him that there might be a difficulty which might possibly be resolved from the American standpoint. As Senator Lodge said the other day, there had recently been legislation which empowered the Executive to stop the shipment of arms to China, in spite of the termination of the war legislation under which previously the Executive had acted. Now, of course it was very difficult for one power to deal in that matter alone, or on some policy which it was prosecuting alone, without adequate knowledge of the attitude of the other powers. As he had listened to this discussion, the question had been going through his mind whether it might not be advisable to follow the procedure which the committee adopted with regard to treaties made with or relating to China and have the Governments inform the secretary general of the contracts prior to May, 1919, that existed; what, if any, deliveries were yet to be made under them, and whether the Governments intended, with respect to shipments of arms that were not under contracts prior to that date, to support or permit the shipment of arms to China from this time on. Information of that sort would be very valuable, certainly in determining American policy. It would be extremely difficult, he apprehended, for the Executive and the Department of Justice to prevent the manufacture of arms in this country and their shipment if the nationals of other countries were making shipments. The chairman said he made this suggestion not knowing whether it would bear analysis. It occurred to him, however, that the committee should certainly have information upon this subject.

Mr. Balfour said that the suggestion made by the chairman, as he understood it, was that the American Government should use its good offices, through the machinery of the conference, to inquire from the various governments concerned exactly what their contractual and other arrangements were in respect to arms with China. In the light of this, all the powers represented here would be able to direct their policy; because he (Mr. Balfour) absolutely agreed with the view the chairman had expressed—and he understood it was also the view expressed by the Japanese—that if one power was going to exercise the right of exporting arms into China, it was quite useless for any government to prevent its own subjects either from manufacturing or from exporting arms to China.

Senator Schanzer said that he understood Mr. Balfour had expressed the view that it would be preferable to leave this matter to the ordinary workings of diplomatic negotiations. If this was the case, Senator Schanzer completely agreed with him.

He believed that it would not be difficult, in this way, to obtain a good result, the more so as it would perhaps be impossible to reach a conclusion in the short time remaining before the end of the conference.

With reference to the chairman's suggestion that all information concerning the duration of contracts already concluded should be forwarded to the secretariat general of the conference, Senator Schanzer declared that he was fully disposed to submit this request to the consideration of his Government.

The chairman said that the objection, as he understood it, to the suggestion he made a moment ago was that it was unnecessary.

The resolution already adopted provided for the filing of information of agreements with China or on the part of nationals with the Chinese Government, or any of its administrative subdivisions or local authorities, for the sale of arms or ammunition, and therefore he took it that, under this resolution information was due from the Governments represented at this table, as soon as it could be furnished, in regard to all contracts for the sale of arms and ammunition to China. He did not doubt that the secretary general would get that information in due course.

The chairman said he understood that the arms resolution was withdrawn. He then said that there was a question relating to customs revenue in China of which he would ask Mr. Underwood to speak.

Senator Underwood said that at the time the subcommittee considering the customs revenue of China was holding its sittings, a question arose which met with the general approbation of the members of the subcommittee, but was not reported to the full committee. Since that time it had been suggested that the chairman ought to call the matter to the attention of the full committee in order that the record of the full committee might contain the statement. It related to the question of the deposit of moneys collected under the customs revenues in the banks of China.

After the treaties were made in relation to the indemnities growing out of what was called the Boxer movement, it was provided that certain portions of the Chinese customs revenue should be set apart to meet the interest and amortization charges on the bonds issued at that time, and those customs revenues were deposited entirely, or almost entirely, in the Hongkong-Shanghai Bank and the Russo-Asiatic Bank. The amount of those revenues had been great, and, of course, were of great value to those institutions as compared to the other banks in China. He thought it was admitted that the allocation of those funds under the agreement made at the time of the issues of these bonds that he referred to a moment ago was a matter of contract and that portion of the revenue derived must continue to be deposited according to the understanding or the contract at the time.

Of course, the free revenue above the charge for amortization and interest on these bonds was at the disposal of the Chinese Government.

As a matter of fact, he thought on account of the revenue being collected paying less than 5 per cent effective there had not been much of a balance sheet on the side of the Chinese Government, but under the resolution passed to make this 5 per cent effective that revenue would be largely increased. Of course, so far as the revenue was concerned, that was allocated to this particular purpose; that is, still controlled by the original allocation and the terms of it; but as to the balance, it was free revenue for disposition in any bank, of course controlled primarily by the Chinese Government.

Now, at the time the subcommittee was preparing its report, Mr. Odagiri, representing the Japanese Government on the subcommittee, made a statement which Mr. Underwood would read. Although other statements were made of a similar nature, as far as could be found out from the record of the subcommittee the other statements were not taken down in detail. The statement of Mr. Odagiri,

However, represented what was said by most of the others present at the table and he would therefore read it.

"Japan not only has no objection to, but welcomes, the proposal that the existing customs system of China should not be disturbed. In the meantime she must express the hope, in view of the important position which her Chinese trade occupies in the entire foreign trade of China and Japan's resulting large contribution to the Chinese customs revenues, that a fair and suitable adjustment may be effected with the above fact in view in regard to the future operations of the customs system; that is to say, concerning such matters as the custodian banks and the proportion of foreign nationals to be employed in the customs staff. We desire to make it clear, however, that this is not proposed as a condition of our acceptance of this agreement, but only as a frank expression of our desire. It is hoped that such special conference as is mentioned above in its deliberations upon the conditions involving questions such as custody and supervision of tariff revenues should take into consideration the above expressed desire of Japan."

And then the notes reported by the secretary-general's office added: "The delegates of France, Italy, Belgium, and Holland associated themselves with the Japanese delegation."

Senator Underwood wished to say that at the same time he also stated that he recognized the fact that the revenues that had already been allocated to the Chinese contracts would not be changed because they were part of an existing contract, but other additional revenues were free to be deposited in such banks as could be determined.

He thought that so far as the present 5 per cent tariff was concerned, there could be no question that that which had been allocated to the payment of the interest on the bonds already issued, could not be deposited with the banks named before. As to the balance of that 5 per cent, it was free to be deposited in other banks when it was not needed, when it was turned over to the Chinese Government.

Now, as to the new revenue that was to be derived by the additional surtax of  $2\frac{1}{2}$  per cent, that would be in the control and under the determination of the special conference when it met, and that conference, in determining the putting into effect of this  $2\frac{1}{2}$  per cent surtax would have the right and power, with the consent of China, of course, to a reallocation of these funds in the various solvent banks in China.

He did not think it was a question that this conference could settle; he thought it was far better to leave it to the special conference that had already been ordered to handle the customs tariff, because its members would meet in China, they would be in touch with the situation, they would know better what to do.

Senator Underwood wished in conclusion to say that though he had no doubt that the two banks that had handled in the past the revenues of China, had done so efficiently and in an honorable way and effectively, yet for the large amount of revenue collected for governmental purposes in China to continue to go through separate banking institutions and all the other banks of China be deprived of deposits of that kind, would naturally lead to misunderstandings—not serious misunderstandings, but it did not appear to be an equal and fair distribution of the moneys involved. It gave undue



power to certain institutions by reason of these government deposits. Now, Senator Underwood did not think it would be wise for this conference to take any further action in the matter; but he thought he could say it was the sentiment of the subcommittee that, in the re-allocation of these additional funds, there should be an opportunity for other solvent banks of the various nations sitting at this board to have a reasonable amount of the deposits derived from these revenues. So far as he understood it, he thought that that sentiment met with the approval of the representatives of the Chinese Government on the subcommittee, and he hoped it met with the entire approval of the Chinese delegation.

The chairman said he supposed that all would agree that the time had come to adjourn for the present.

Possibly in order to facilitate the work, the mornings should be left free. He understood that the Chinese and Japanese delegates had work in the morning in relation to the Shantung treaty. There should also be a chance to make some progress in the matter of the Chinese Eastern Railway.

The lawyers might engage themselves with considerations of the treaties, and if it was agreeable to the committee, they could meet the afternoon of the following day at half past 3.

Dr. Koo asked if he might say a word in connection with the subject that had been brought up. He would try not to detain his colleagues any longer than was necessary.

Concerning the question of the deposit of customs revenue in the foreign banks in China, he did not know that the subject might be brought up, so he did not have the papers with him; but speaking from memory, he would like to point out to the committee the circumstances under which this question had arisen. Prior to the revolution of 1911 the customs revenue that was collected in the ports was all deposited in the so-called Chinese Customs Bank, under the supervision of Chinese authorities, and the customs administration itself did not have the handling of the money. They issued receipts, clearance only on the production by the merchant of the receipts issued by the Customs Bank certifying that the customs duties had been paid. As the time arrived, from month to month, for the payment and discharge of obligations incurred for the Boxer indemnity and also for the foreign debts, the money was paid over. That arrangement proved very satisfactory, and there was now the testimony of the inspector general of the customs on record that that arrangement would work very satisfactorily, and that there never was a single instance in which there was any difficulty in meeting the foreign obligations promptly and on the day they were due.

In the course of the revolution of 1911 various disturbances broke out in various parts of China, and lest there might be delays or interference with the discharging of the foreign obligations, it was proposed that the customs revenues should be deposited temporarily in certain foreign banks to which Senator Underwood made reference a little while ago. While that arrangement was intended to be merely provisional, however, the practice of depositing customs revenues in those designated foreign banks continued. It had this effect on the commercial and financial situation in the various cities

of importance, that prior to the revolution, when money was deposited in the Chinese Customs Bank, of course it flowed into the various channels of the market to meet commercial and industrial needs in each community, and in that way the money market was always more or less easy and there were very few occasions when crises of a financial character arose. Since the new arrangement was introduced, however, of course all the customs revenue went into the foreign banks, and the money was now no longer quickly accessible to Chinese customers for legitimate purposes of commerce and trade as it had been heretofore, with the result that from time to time constant anxiety prevailed in the Chinese commerce and trading communities because money was scarce and tight. Therefore, the Chinese bankers had made the suggestion more than once, and had drawn the attention of the Chinese Government to the fact, that some steps should be taken to modify the present provisional arrangement. Mr. Koo, therefore, wished not only to associate himself with Senator Underwood in his suggestion but to add that when the time came for considering the question on the reallocation, if in the opinion of the representatives at that time conditions were not yet such as to permit a complete reversion to the former practice, at least a part of the deposits should be allocated to those Chinese banks which were generally recognized as being sound and solvent.

Baron de Cartier said that before the committee adjourned he wished to express his agreement to the proposal of Senator Underwood.

The committee thereupon adjourned, to meet on Thursday, February 2, 1922, at 3.30 p. m.

### THIRTIETH MEETING—THURSDAY, FEBRUARY 2, 1922, 4 P. M.

#### PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by Mr. Wright, Mr. MacMurray, Mr. Poole, Mr. Nielsen.

*Belgium.*—Baron de Cartier. Accompanied by Mr. de Warzee.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India). Accompanied by Mr. Christie, Sir H. L. Smith, Mr. Lampson, Mr. Bajpai.

*China.*—Mr. Sze, Mr. Koo, Mr. Wang. Accompanied by Dr. Hawking Yen, Dr. M. T. Z. Tyau, Mr. C. Zee, Mr. Tu, Dr. Koung-Ou Houx.

*France.*—Mr. Jusserand, Mr. Sarraut. Accompanied by Mr. Kammerer, Mr. Ponsot, Mr. Raindre.

*Italy.*—Senator Schanzer, Senator Albertini. Accompanied by Marquis Visconti-Venosta, Count Pagliano.

*Japan.*—Baron Kato, Baron Shidehara, Mr. Hanihara. Accompanied by Mr. Saburi, Mr. Kimura, Mr. Sakau, Mr. Tomita.

*Portugal.*—Viscount d'Alte, Capt. Vasconcellos.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by Jonkheer van Starkenborgh.

The secretary general, accompanied by Mr. Pierrepont and Mr. Osborne.

Mr. Camerlynck and Mr. Talamon, interpreters.

1. The thirtieth meeting of the Committee on Pacific and Far Eastern Questions was held this afternoon, February 2, 1922, in the Pan American Building, at 4 o'clock.

2. Those present were: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, Sir Robert Borden (for Canada), Senator Pearce (for Australia), Mr. Sastri (for India); for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini; for Japan, Baron Kato, Baron Shidehara, Mr. Hanihara; for The Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Capt. Vasconcellos.

3. The secretaries and technical advisers present included: For the United States, Mr. Wright, Mr. MacMurray, Mr. Poole, Mr. Nielsen; for Belgium, Mr. de Warzee; for the British Empire, Mr. Christie, Sir H. L. Smith, Mr. Lampson, Mr. Bajpai; for China, Dr. M. T. Z. Tyau, Dr. Hawklings Yen, Mr. Zee, Mr. Tu, Dr. Koung-Ou Houx; for France, Mr. Kammerer, Mr. Ponsot, Mr. Raindre; for Italy, Marquis Visconti-Venosta, Count Pagliano; for Japan, Mr. Saburi, Mr. Kimura, Mr. Sakau, Mr. Tomita; for The Netherlands, Jonkheer van Starckenborgh.

The secretary general, assisted by Mr. Pierrepont and Mr. Osborne, was present. Mr. Camerlynck and Mr. Talamon, interpreters, were also present.

The chairman (Mr. Hughes) said that before proceeding with the regular order he would state that a meeting had been held of the subcommittee appointed to consider the proposed treaties relating to China, and a form of treaty had been tentatively approved, with the purpose of having it put into print and distributed.

He then asked for a report from the committee on the Chinese Eastern Railway.

Mr. Root said that the full committee had referred to the special committee of delegates on the Chinese Eastern Railway a report of the technical subcommittee which had been wrestling with the subject of that railway for some time. This special committee now reported back that report of the technical subcommittee, together with the observations and reservations made in behalf of the Chinese delegation by Dr. Hawklings Yen. He would not read the technical subcommittee's report as it had been discussed previously and appeared in full in the minutes of the twenty-fourth meeting of the full committee on January 23. The technical subcommittee report, after giving the recent history of the road, had stated the conclusion that funds would be obtainable only if suitable conditions were established for the economical operation of the railway, and the funds were to be expended under adequate supervision. It had recommended replacing the present so-called interallied committee by a finance committee "which shall exercise general financial control over the operation of the railroad." It had recommended also that there should be a new force of police or gendarmerie to be under the control of the finance committee.

Dr. Yen had stated in substance that he could not give his assent to the infringement upon the sovereignty of China which would be involved in putting the finance and the protection of the road under the control of an interallied finance committee.

The subcommittee of delegates, for which Mr. Root was reporting, had had before it both the report of the technical committee and many drafts of resolutions aimed at avoiding the impasse caused by the objection interposed by Dr. Yen to the conclusions of the technical committee.

None of those drafts had seemed to the generality of the committee of delegates to make any improvement of the situation. They all had been in the form of amendments of the interallied agreement of 1919, which had been regarded by common consent and general statement as being still in force and effect.

The committee of delegates now wished to report unanimously the following resolution:

*“Resolved,* That the preservation of the Chinese Eastern Railway for those in interest requires that better protection be given to the railway and the persons engaged in its operation and use; a more careful selection of personnel to secure efficiency of service, and a more economical use of funds to prevent waste of the property.

*“That* the subject should immediately be dealt with through the proper diplomatic channels.”

At the same time all powers other than China—that is to say, the United States, Belgium, Great Britain, France, Italy, Japan, the Netherlands, and Portugal—had united in the following reservation:

*“The powers other than China in agreeing to the resolution regarding the Chinese Eastern Railway, reserve the right to insist hereafter upon the responsibility of China for performance or nonperformance of the obligations toward the foreign stockholders, bondholders, and creditors of the Chinese Eastern Railway Co. which the powers deem to result from the contracts under which the railroad was built and the action of China thereunder and the obligations which they deem to be in the nature of a trust resulting from the exercise of power by the Chinese Government over the possession and administration of the railroad.”*

The chairman then said the question was on the first resolution, in which he understood China participated. He said he would put that to a vote separately, as the other resolution related to powers other than China.

Mr. Koo addressed the committee. He stated that he rose to say a few words for the purpose of elucidating the views of the Chinese delegation on this important question. As the Chinese delegation viewed it, this Chinese Eastern Railway question, so far as the other powers were concerned, had arisen out of the interallied agreement of 1919 to which China was a party and to which five other powers around the table were also parties.

There were several considerations guiding the Chinese delegation in dealing with this question. In the first place, as the interallied agreement provided for supervision over the operation of the whole trans-Siberian system, including the Chinese Eastern Railway, the delegation felt that perhaps it might give rise to misgivings in China if this one particular railway should be singled out for separate



Koo said that he knew it was not the desire of the committee, nor it his own desire, to discuss the question of the contract, but that he merely referred to that as a matter of information, pointing out that the said contract with the bank was entered into by the Chinese Government after it had satisfied itself that the bank represented the stockholders and all the shares, which fact had been certified through the French Government.

As regards the extent of the trust which China had assumed, that trust could only apply to the functions which formerly were exercised by the Russian Government under the agreements with China and which are now exercised by China as a provisional measure, because of the absence of a recognized Russian government for the time being. To that extent, of course, China assumed, so to speak, the responsibility of the Russian government in its relation with the railroad company.

Speaking of the practical situation, Mr. Koo said that of course there was room for improvement, undoubtedly, on the Chinese Eastern Railway, as there was room for improvement, he supposed, on every railway in the world; but he thought that the difficulties that beset the Chinese Government had been very great, the political revolution in Russia, with its consequent disorganization, having injected problems which were not expected at all in this railway area, Russian workmen having time and again gone on strike, and the Red and White forces having struggled for control of the line. He thought it unnecessary to go into details further than to recall to the minds of his colleagues on the committee the extraordinary steps taken in 1920 by Gen. Horvath, as director general of this railway, to declare himself supreme dictator in this railway area, investing himself, according to his proclamation, with governmental powers.

Mr. Koo further stated that in every instance so far, if the testimony of the foreign press could be trusted, the Chinese authorities had handled the critical situation to the best of their ability, and so far had relieved the communities in the railway area of anxiety and of apprehension. The Chinese Government, in accordance with the terms of the original contract with the Russian Government, had been providing protection for the railway and for the persons in its service to the very best of its ability, and if it had been found, in the opinion of some of the powers, that that protection had not been adequate, the inadequacy really had been due more to the difficulties which were consequent upon the political disorganization in Russia than to any lack of determination on the part of China fully to discharge her obligation. In fact, thanks to the protection thus given, the Chinese Eastern Railway was still in operation while some of the other railways in the Trans-Siberian system were in very unsatisfactory condition. Therefore, he desired to express the hope that the committee, in considering this second resolution, would be good enough to bear in mind the observations which he had been permitted to make at this time.

The chairman then said the question was on the adoption of the first resolution. A vote was taken and all of the powers, including China, assented. The chairman announced that the resolution was unanimously adopted.

The chairman then called for a vote by the powers other than China on the reservation. All of the powers other than China assented and the chairman declared it unanimously adopted.

The chairman then said that he understood that the next subject to be brought up was the matter which had been generally called the "twenty-one demands," and he believed an opportunity had been reserved for the Japanese delegation to speak upon that subject.

Baron Shidehara read the following statement:

"At a previous session of this committee, the Chinese delegation presented a statement urging that the Sino-Japanese treaties and notes of 1915 be reconsidered and canceled. The Japanese delegation, while appreciating the difficult position of the Chinese delegation, does not feel at liberty to concur in the procedure now resorted to by China with a view to cancellation of international engagements which she entered into as a free sovereign nation.

"It is presumed that the Chinese delegation has no intention of calling in question the legal validity of the compacts of 1915, which were formally signed and sealed by the duly authorized representatives of the two Governments, and for which the exchange of ratifications was effected in conformity with established international usages. The insistence by China on the cancellation of those instruments would in itself indicate that she shares the view that the compacts actually remain in force and will continue to be effective, unless and until they are canceled.

"It is evident that no nation can have given ready consent to cessions of its territorial or other rights of importance. If it should once be recognized that 'rights solemnly granted by treaty may be revoked at any time on the ground that they were conceded against the spontaneous will of the grantor, an exceedingly dangerous precedent will be established, with far-reaching consequences upon the stability of the existing international relations in Asia, in Europe and everywhere.'

"The statement of the Chinese delegation under review declares that China accepted the Japanese demands in 1915, hoping that a day would come when she should have the opportunity of bringing them up for reconsideration and cancellation. It is, however, difficult to understand the meaning of this assertion. It can not be the intention of the Chinese delegation to intimate that China may conclude a treaty, with and thought in mind of breaking it at the first opportunity.

"The Chinese delegation maintains that the treaties and notes in question are derogatory to the principles adopted by the conference with regard to China's sovereignty and independence. It has, however, been held by the conference on more than one occasion that concessions made by China *ex contractu*, in the exercise of her own sovereign rights, can not be regarded as inconsistent with her sovereignty and independence.

"It should also be pointed out that the term 'twenty-one demands,' often used to denote the treaties and notes of 1915, is inaccurate and grossly misleading.

"It may give rise to an erroneous impression that the whole original proposals of Japan had been pressed by Japan and accepted in

toto by China. As a matter of fact, not only 'Group V,' but also several other matters contained in Japan's first proposals were eliminated entirely or modified considerably, in deference to the wishes of the Chinese Government, when the final formula was presented to China for acceptance. Official records published by the two Governments relating to those negotiations will further show that the most important terms of the treaties and notes, as signed, had already been virtually agreed to by the Chinese negotiators before the delivery of the ultimatum, which then seemed to the Japanese Government the only way of bringing the protracted negotiations to a speedy close.

"The Japanese delegation can not bring itself to the conclusion that any useful purpose will be served by research and reexamination at this conference of old grievances which one of the nations represented here may have against another. It will be more in line with the high aim of the conference to look forward to the future with hope and with confidence.

"Having in view, however, the changes which have taken place in the situation since the conclusion of the Sino-Japanese treaties and notes of 1915, the Japanese delegation is happy to avail itself of the present occasion to make the following declaration:

"1. Japan is ready to throw open to the joint activity of the international financial consortium recently organized, the right of option granted exclusively in favor of Japanese capital, with regard, first, to loans for the construction of railway in South Manchuria and Eastern Inner Mongolia, and, second, to loans to be secured on taxes in that region; it being understood that nothing in the present declaration shall be held to imply any modification or annulment of the understanding recorded in the officially announced notes and memoranda which were exchanged among the Governments of the countries represented in the consortium and also among the national financial groups composing the consortium, in relation to the scope of the joint activity of that organization.

"2. Japan has no intention of insisting on her preferential right under the Sino-Japanese arrangements in question concerning the engagement by China of Japanese advisers or instructors on political, financial, military, or police matters in South Manchuria.

"3. Japan is further ready to withdraw the reservation which she made, in proceeding to the signature of the Sino-Japanese treaties and notes of 1915, to the effect that Group V of the original proposals of the Japanese Government would be postponed for future negotiations.

"It would be needless to add that all matters relating to Shantung contained in those treaties and notes have now been definitely adjusted and disposed of.

"In coming to this decision, which I have had the honor to announce, Japan has been guided by a spirit of fairness and moderation, having always in view China's sovereign rights and the principle of equal opportunity."

Mr. Wang said the Chinese delegation could not accept the position advanced by Baron Shidehara that the mere fact that the Chinese asked for an abrogation of the treaties would imply that they re og-



nized their validity. As a matter of fact, the Chinese Government and people had always regarded these agreements as peculiar in themselves, owing to the circumstances under which they had been negotiated. The Chinese Government and people had always considered the state of things arising under these treaties as a *de facto* situation, without any legal recognition on the part of China.

He listened with great attention to the declarations of Baron Shidehara on the three points mentioned in his statement; but as the statement was a very important one, he wished to reserve his right to make a detailed reply.

The chairman asked if he was to understand that the Chinese delegation desired to make response at the next meeting.

Mr. Wang answered affirmatively.

The chairman, in view of that, suggested that the discussion on this matter might be postponed until the next meeting, if that course was agreeable to the delegates.

Baron Shidehara stated that it would be remembered that some days before he had ventured to make a certain suggestion in regard to the development and utilization of China's natural resources, and that on that occasion the Chinese delegation had stated that they would be able to announce the position of the Chinese Government on a later occasion. He would like to know if the Chinese delegation was now ready to give any announcement of the policy of China on this very important question.

Mr. Sze said the statement that he had had the honor to make before on the subject was, he thought, so clear and in such simple language that he wondered whether there was anything more he could usefully add, but animated by the desire, as he was always animated, to meet the views of his Japanese friends, he would, with the permission of the committee, read a statement in reply. He then read as follows:

"At the meeting of this committee on January 18, Baron Shidehara on behalf of the Japanese delegation, expressed a hope that China might be disposed to extend to foreigners, as far as possible, the opportunity of cooperation in the development and utilization of China's natural resources, and added that any spontaneous declaration of her policy in that direction would be received with much gratification.

"The Chinese Government, conscious of the mutual advantage which foreign trade brings, has hitherto pursued an established policy to promote its development. Of this trade, products of nature of course form an important part. In view of this fact, as well as of the requirements of her large and increasing population, and the growing needs of her industries, China, on her part, has been steadily encouraging the development of her natural resources, not only by permitting, under her laws the participation of foreign capital, but also by other practical means at her disposal. Thus in affording facilities and fixing rates for the transportation on all her railways of such products of nature as well as of other articles of merchandise, she has always followed and observed the principle of strict equality of treatment between all foreign shippers. Thanks to this liberal

policy, raw material and food supplies in China—as my colleague Dr. Koo stated before this committee on a previous occasion with reference to Manchuria, and it is equally true of other parts of China—are today accessible to all nations, on fair terms and through the normal operation of the economic law of supply and demand.

“The Chinese Government does not at present contemplate any departure from this mutually beneficial course of action. Consistent with the vital interests of the Chinese nation and the security of its economic life, China will continue, on her own accord, to invite co-operation of foreign capital and skill in the development of her natural resources.

“The Chinese delegation, animated by the same spirit of self-denial and self-sacrifice which Baron Shidehara was good enough to assure the Chinese delegation had uniformly guided the foreign powers here represented in the resolutions hitherto adopted by the committee in favor of China, has no hesitation to make the foregoing statement. It is all the more glad to make it, because it feels confident that the Japanese delegation, in expressing the hope for a voluntary declaration of policy on China's part in regard to the development and utilization of her natural resources, was not seeking any special consideration for Japan on this subject or for the foreign powers as a whole, but merely wishes to be assured that China was disposed to extend the opportunity of cooperation to foreigners on the same terms as are accorded by nations of the world equally favored by nature in the possession of rich natural resources.”

The chairman said he was sure the delegates desired to finish their labors at the earliest opportunity and he hoped the last plenary session and the last session of the conference might be held on Saturday morning. In order to make that possible the committee ought to finish its work the following day. There remained for discussion the matter which had been taken up by Baron Shidehara and which had been postponed for consideration until the next meeting of the committee. He inquired whether there was any other matter that any of the delegations wished to bring before the committee. If so, and if they would indicate the nature of the matter, the committee could now make arrangements accordingly.

Sir Auckland Geddes said there was one small matter which was really relevant to the subject raised a few moments ago by the Japanese delegation and which he thought it might be well to bring before the conference if only for a moment. A good many years ago now, in 1902, and again in 1903, in the Anglo-Chinese and Sino-American treaties of those years, China had entered into an undertaking in regard to a mining code.

Article IX of the treaty of 1902 was as follows:

“The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agree within one year from the signing of this treaty to initiate and conclude the revision of the existing mining regulations. China will, with all expedition and earnestness, go into the whole question of mining rules and, selecting from the rules of Great

Britain, India, and other countries, regulations which seem applicable to the condition of China, she will recast her present mining rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, shall offer no impediment to the attraction of foreign capital or place foreign capitalists at a greater disadvantage than they would be under generally accepted foreign regulations.

"Any mining concession granted after the publication of these new rules shall be subject to their provisions."

Continuing, Sir Auckland Geddes said the foregoing was very close verbally to one portion of the statement which his Chinese colleague had just made to the committee. He thought all the members of the committee would be interested to know if China hoped soon to promulgate a satisfactory code. The last attempt that he remembered was the so-called Lindsey attempt of 1914, and he was not aware of the promulgation from that day to this of any code which could be regarded as being of the nature which China undertook so long ago as 1902 to produce within one year. This seemed an occasion upon which the Chinese delegates might be willing to inform the powers when they might expect this long-awaited code to make its appearance.

Mr. Sze stated that the Chinese delegation duly noted the remarks made by Sir Auckland Geddes, but that, much as he desired to meet the wishes expressed by Sir Auckland Geddes, the Chinese delegation very much regretted that it had not at its disposal at the present moment information that would enable them to answer satisfactorily the inquiry propounded; and that, under the circumstances, he was sure that the request made by Sir Auckland Geddes would not be pressed at this moment. Mr. Sze stated that while he was on the subject, however, he might refer to the fact that there was a mining law at present in operation which did permit the investment of foreign capital to an amount as large as 50 per cent, and he might remind Sir Auckland Geddes that, under this law, several British enterprises, in conjunction with Chinese capital, had invested large sums very profitably in mining undertakings in China. If he might be permitted to mention one instance, the Chinese Engineering & Mining Co. had made a profit so large that he had been told that, in the year 1919, they had paid enormous sums of income tax and super-tax to the British treasury, amounting to over £1,000,000; and that, if a company could pay a tax of that amount to the treasury, it showed that the mining laws at present in force in China could not be very far in the wrong.

Sir Auckland Geddes stated, in reply to the remarks of Mr. Sze, that he would not wish to put his Chinese colleague to any inconvenience in this matter with regard to pressing for an immediate answer; but that the matter had been pending for some time and he hoped that it might be possible for his Chinese colleague soon to move their Government to give an answer and to promulgate the code.

With regard to the company referred to by Mr. Sze, Sir Auckland Geddes stated that he was not absolutely sure that Mr. Sze was right in assuming that that company was working under any existing general rule or code. On the contrary, he was under the impression that it had a special charter; and further that, even if the supposition

of Mr. Sze were correct, it would not follow that the richness of the mine proved the excellence of the code; and that he would therefore venture to press upon the Chinese delegation the desirability of considering whether the time had not now come when the mining code, promised 20 years ago, should be promulgated.

The chairman asked if there were any subject which any delegation desired to have noted, so that it could be brought up. He merely wished to avoid any surprises the next day and to be able to arrange for concluding the work of the conference.

Mr. Sze stated that the Chinese delegation would cordially welcome a statement from the French delegation with reference to the question of leased territory. He said he understood that the statement of the French delegation the other day was not conclusive and he understood the French delegation was going to give the Chinese delegation the benefit of a further statement.

Mr. Sarraut said that the French delegation would very willingly have supplied their Chinese colleagues with the explanation desired had the latter given any warning or notice of their intention to raise the question before the meeting on the previous day. He wished to recall the fact that France had been the first to offer to restore her leased territory—Kwangchow wan to China. Mr. Viviani, at the meeting of the committee of December 4, had indicated in the most precise manner, the conditions under which this restitution would take place, namely, that all the other powers having leased territories should restore them to China *pari passu*. The French Government still had the same intention and, even if the condition stated had not been fulfilled, France was willing to arrange directly with the Chinese Government the conditions under which, and the time when, the restitution should become effective.

Mr. Sze stated that he wished to say a word in fairness to Mr. Balfour. In acknowledging Mr. Balfour's kind offer yesterday he had called it a spontaneous offer because he had not given Mr. Balfour any notice beforehand, and it had come as a very pleasant surprise to the Chinese delegation. That was the reason he had not approached the French delegation, and the reason he brought the subject up now was because the chairman had asked whether there was any matter still pending and the thought naturally occurred to his mind that it might be possible to have some statement from the French delegation on the same line that Mr. Balfour had been good enough to make spontaneously.

As he had said yesterday, the Chinese had aspirations and yearnings along the line indicated, and he would be glad if all the conditions referred to by M. Viviani might be fulfilled. All of them had not been entirely fulfilled, but still they had been fulfilled to a great extent. He wished to urge his French colleagues that if they could see their way to modify the conditions and return the leased territory it would be appreciated by the Chinese people, and it would not only be beneficial to China but beneficial to France and to the other powers, and he hoped that Mr. Sarraut might find it possible in the session the following day to be able to gratify the yearnings of the Chinese delegation and the Chinese people.

There being no further matters for discussion the committee then adjourned until Friday, February 3, 1922, at 3 p. m.

## THIRTY-FIRST MEETING—FRIDAY, FEBRUARY 3, 1922, 3 P. M.

## PRESENT.

*United States.*—Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood. Accompanied by: Mr. Wright, Mr. MacMurray, Mr. Poole, Mr. Williams.

*Belgium.*—Baron de Cartier. Accompanied by: Mr. de Warzee, Mr. Silvercruys.

*British Empire.*—Mr. Balfour, Lord Lee, Sir Auckland Geddes, Senator Pearce (for Australia). Accompanied by: Mr. Christie, Sir H. L. Smith, Mr. Lampson, Mr. Bajpai, Mr. Malkin.

*China.*—Mr. Sze, Mr. Koo, Dr. Wang. Accompanied by: Dr. Hawking Yen, Dr. M. T. Z. Tyau, Mr. C. Zee, Mr. King, Mr. T. H. Koo.

*France.*—Mr. Sarraut, Mr. Jusserand. Accompanied by: Mr. Kammerer, Mr. Ponsot.

*Italy.*—Senator Schanzer, Senator Rolandi-Ricci, Senator Albertini. Accompanied by: Marquis Visconti-Venosta, Count Pagliano, Mr. Bruno-Averadi.

*Japan.*—Admiral Baron Kato, Mr. Hanihara, Baron Shidehara. Accompanied by: Mr. Saburi, Mr. Kimura, Mr. Sakau, Mr. Sawada.

*Portugal.*—Viscount d'Alte, Captain Vasconcellos.

*The Netherlands.*—Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort. Accompanied by: Jonkheer van Starkenborgh.

The Secretary General, accompanied by Mr. Pierrepont and Mr. Osborne.

Mr. Camerlynck and Mr. Talamon (interpreters).

1. The thirty-first meeting of the Committee on Pacific and Far Eastern Questions was held Friday, February 3, 1922, at 3 o'clock, in the Columbus Room of the Pan American Union Building.

2. Those present were: For the United States, Mr. Hughes, Senator Lodge, Mr. Root, Senator Underwood; for Belgium, Baron de Cartier; for the British Empire, Mr. Balfour, Lord Lee, Sir Auckland Geddes, (for Australia) Senator Pearce; for China, Mr. Sze, Mr. Koo, Mr. Wang; for France, Mr. Sarraut, Mr. Jusserand; for Italy, Senator Schanzer, Senator Albertini, Senator Rolandi-Ricci; for Japan, Admiral Baron Kato, Baron Shidehara, Mr. Hanihara; for the Netherlands, Jonkheer Beelaerts van Blokland, Jonkheer de Beaufort; for Portugal, Viscount d'Alte, Captain Vasconcellos.

3. The secretaries and technical advisers present included: For the United States, Mr. Wright, Mr. MacMurray, Mr. Poole, Mr. Williams; for Belgium, Mr. de Warzee, Mr. Silvercruys; for the British Empire, Mr. Christie, Sir H. L. Smith, Mr. Lampson, Mr. Bajpai, Mr. Malkin; for China, Dr. Hawking Yen, Dr. M. T. Z. Tyau, Mr. C. Zee, Mr. King, Mr. T. H. Koo; for France, Mr. Kammerer, Mr. Ponsot; for Italy, Marquis Visconti-Venosta, Count Pagliano, Mr. Bruno-Averadi; for Japan, Mr. Saburi, Mr. Kimura, Mr. Sawada, Mr. Sakau; for the Netherlands, Jonkheer van Starkenborgh.

The secretary general of the conference, assisted by Mr. Pierrepont and Mr. Osborne, were present. Mr. Camerlynck and Mr. Talamon, interpreters, were also present.

The chairman (Mr. Hughes) said that the committee would take up first the proposed Chinese treaties, in order that they might be approved and sent to the printer.

The first one to which he would call the committee's attention was the general treaty embodying the general principles which had been embraced in the resolutions adopted by the conference. The text, in the form presented, had been approved by the subcommittee, consisting of the heads of the delegations and their experts, with the exception of the points to which he would refer.

The preamble and Article I were unchanged, but he wished to call attention to the fact that the first article was the same as the resolution adopted by the committee on November 21, last, containing a general statement of principles, except that in subdivision 4 of Article I the word "present" had been omitted before "conditions." The resolution now read "to refrain from taking advantage of conditions in China." For obvious reasons the word "present" had been omitted.

In Article II, "Power or Powers" had been capitalized and the words "of the present Treaty" had been omitted.

Article III embodied, without change, the resolutions relating to the open door, but there was a typographical error, which would be corrected in subdivision (b), where the word "or" should be inserted before "which" so that it would read "public enterprise, or which by reason of its scope," etc.

Article IV embodies a resolution and was recommended as in the type.

The same recommendation was made with regard to Article V, which embodied, without change, the resolution as to railways.

The same recommendation was made with regard to Article VI as to the first clause. The second clause was an addition, namely, as follows: "and China declares that when she is a neutral she will observe the obligations of neutrality." It had seemed desirable, and it had been recognized by the Chinese representative of the subcommittee as desirable, that this reciprocal engagement should be made.

Article VII, as newly proposed, the chairman read as follows:

"The contracting powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present treaty, and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned."

Article VIII, he said, was also new:

"Powers not signatory to the present treaty, which have Governments recognized by the signatory powers and which have treaty relations with China, shall be invited to adhere to the present treaty. To this end the Government of the United States will make the necessary communications to nonsignatory powers and will inform the contracting powers of the replies received. Adherence by any power shall become effective on receipt of notice thereof by the Government of the United States."

Article IX contained the usual provision with regard to ratification and deposit.

The treaty in its present form was recommended by the subcommittee for the committee's approval and recommendation to the

conference. The chairman asked if there was a desire to discuss it, and then asked if the committee was ready to act upon it.

The United States of America, Belgium, and the British Empire assented.

Mr. Koo, when China was called, said that he had no suggestions to make, but it occurred to him that perhaps a slight alteration in the last clause of the preamble, to which he had referred in the subcommittee that morning, might be made to advantage, namely, "and the other powers upon the basis of equality of opportunity." The purpose was very clear, especially after the observations made that morning; it referred to the principle of the open door or equal opportunity between foreign powers in China; but he thought perhaps the addition of a few words after "opportunity," namely, "to such powers," might clarify the situation and avoid the possible misconstruction, by those outside the conference, that it meant equality of opportunity between China and the other powers.

The chairman asked what were the words Mr. Koo wished to suggest.

Mr. Koo replied, "upon the basis of equality of opportunity to such powers."

The chairman said that Mr. Root had just made, *sotto voce*, a remark which was quite apt; he had said that, as amended by Mr. Koo, the article would mean that it was desired to exclude everybody else. The chairman said he wished to suggest that possibly it would be sufficient to record in the minutes that the words "equality of opportunity" were interpreted in their historic sense in relation to the opportunity of the powers in China. He also thought it might be disadvantageous to put on the record a limitation of that with respect to anybody outside. He did not see how the present wording would operate to the disadvantage of China.

Mr. Koo stated that what he wished to avoid was any construction which might mean equality of opportunity between China on the one side and foreign powers on the other; he knew that that was not the purpose of the article.

The chairman pointed out that this part of the preamble was all qualified by the preceding part of the clause. It was aimed at promoting intercourse between China and the other powers upon the basis of equality of opportunity; it related to that intercourse. This was a preamble; what was agreed to appeared in the body of the article.

Mr. Koo stated that, with this understanding, he withdrew his suggestion.

The chairman proceeded with the vote and, the other delegations voting in the affirmative, announced that the treaty was unanimously adopted.

The chairman said the committee might next take up the second treaty, the Chinese customs treaty, which was before them in mimeographed form, entitled: "Tentative Draft of Chinese Customs Treaty." He thought he had better read it, article by article. It had been approved in its present form, with the exception of certain articles or provisions to which he would call attention as he came to them. Without reading the formal parts, the preamble was as follows:

"With a view to increasing the revenues of the Chinese Government, have resolved to conclude a treaty relating to revision of the Chinese customs tariff and cognate matters, and to that end have appointed," etc.

He said that when he came to matters as to which there had been any divergence of opinion in the subcommittee he would refer to them; the other portions had received the unanimous agreement of the subcommittee.

He then continued reading:

#### ARTICLE I.

"The representatives of the Contracting Powers having adopted, on the fourth day of February, 1922," (that date, the chairman said, had been inserted because the resolutions would be adopted the next day at the Conference, he assumed) "a Resolution, which is appended as an annex to this article, with respect to the revision of Chinese Customs duties, for the purpose of making such duties equivalent to an effective 5 per centum *ad valorem*, in accordance with existing treaties concluded by China with other nations, the Contracting Powers hereby confirm the said Resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible but not earlier than two months after publication thereof."

He then referred to the annex:

"With a view to providing additional revenue to meet," etc., but suggested that perhaps it was not necessary to read the entire annex, as it embodied the resolution which had been adopted for the purpose of making the maxima now in the treaties effective.

He desired to state, for the information of those who had not been members of the subcommittee, that it had been found that in certain cases—for instance, in the case of the United States—there had been treaties providing for specific duties, which could not be modified except by treaty, and therefore it had been necessary to deal with the matter in treaty form.

He then read Articles II and III as follows:

#### ARTICLE II.

"Immediate steps shall be taken, through a Special Conference, to prepare the way for the speedy abolition of *likin* and for the fulfillment of the other conditions laid down in Article VIII of the Treaty of September 5th, 1902, between Great Britain and China, in Articles IV and V of the treaty of October 8, 1903, between the United States and China, and in Article I of the Supplementary Treaty of October 8, 1903, between Japan and China, with a view to levying the surtaxes provided for in those articles.

"The Special Conference shall be composed of representatives of the Signatory Powers, and of such other powers as may desire to participate and may adhere to the present treaty, in accordance with the provisions of Article VIII, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present Treaty, on a day and at a place to be designated by the Chinese Government."



## ARTICLE III.

"The Special Conference provided for in Article II shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties mentioned in Article II; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

"The surtax shall be at a uniform rate of 2½ per centum *ad valorem*, provided, that in case of certain articles of luxury which, in the opinion of the Special Conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased but may not exceed 5 per centum *ad valorem*."

The chairman said that it had been the opinion of those members of the subcommittee who had also served on the subcommittee which had framed the original resolution that the intention had been that the total surtax might be increased but should not exceed 5 per centum *ad valorem*; in other words, the total surtax, not the increase, should have that maximum.

He then read Article IV as follows:

## ARTICLE IV.

"Following the immediate revision of the customs schedule of duties on imports into China, mentioned in Article I, there shall be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to ensure that the customs duties shall correspond to the *ad valorem* rates fixed by the Special Conference provided for in Article II.

"Following this further revision there shall be, for the same purpose, periodical revisions of the customs schedule of duties on imports into China every seven years, in lieu of the decennial revision authorized by existing treaties with China.

"In order to prevent delay, any revision made in pursuance of this Article shall be effected in accordance with rules to be prescribed by the Special Conference provided for in Article II."

The chairman then read Article V as follows:

## ARTICLE V.

"In all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all the Contracting Powers."

The chairman said that there had been a question raised with respect to this article, and asked Mr. Hanihara whether he had made a point regarding it.

Mr. Hanihara replied that he had simply wanted it in its present form.

The chairman continued reading:

## ARTICLE VI.

"The principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized.

The Special Conference provided for in Article II shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage.

"In the meantime, any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present Treaty, shall be levied at a uniform rate *ad valorem* at all land and maritime frontiers of China."

#### ARTICLE VII.

"The charge for transit passes shall be at the rates of 2½ per centum *ad valorem* until the arrangements provided for by Article II come into force."

#### ARTICLE VIII.

"Powers not signatory to the present Treaty whose Governments are at present recognized by the Signatory Powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per centum *ad valorem*, shall be invited to adhere to the present Treaty, and upon such adherence by all of them the Treaty shall override all provisions of treaties between China and the respective Contracting Powers which are inconsistent with its terms.

"The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States."

At this point, the chairman said, there had been a discussion in the subcommittee with regard to a change proposed by Mr. Balfour; he would therefore ask Mr. Balfour to present his views upon this change to the committee.

Mr. Balfour said he was sorry to have to take up the time of the committee, and he hardly needed to say that he would not do so for the purpose of suggesting anything which he thought was not absolutely in conformity with the settled policy which had dictated this treaty. He rose only because he thought the wording of this clause did not carry out the settled policy which he was confident all his colleagues desired to see carried into effect.

When they looked at the last sentence in the first paragraph of Article VIII, it read as follows: "and upon such adherence by all of them the Treaty shall override all provisions of treaties between China and the respective Contracting Powers which are inconsistent with its terms."

It seemed quite clear from that wording, that, though it probably was not the intention—and indeed he was sure it was not the intention of the drafters of the clause, nothing could really happen under that clause until all the powers having such treaties with China signified their assent and their desire to come within the scope of Article VIII.

He asked his colleagues to observe what the result of that would be—for example, with regard to a provision which could be found

at the end of Article VI. Where it was stated: "any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present Treaty, shall be levied at a uniform rate *ad valorem* at all land and maritime frontiers of China."

He said he had not been a member of the subcommittee which had dealt with this, but he understood it was a point on which very great interest had been shown, and on which there had been a very long discussion. The object of the provision he had quoted was, of course, that there should be equality of treatment as between the imports which came by sea and the imports which might cross the land frontiers of China. That equalization of those two rates had been greatly desired by the committee, and that desire was embodied in the paragraph he had just read, which, on the face of it, was intended to come into operation at once, for it began with the words "in the meantime"; but if one looked at the last sentence of the first paragraph of Article VIII that reform which all desired to see would not come into effect until every power—not merely the nine powers around the table, but every power which had a treaty with China providing for a tariff on imports and exports not exceeding 5 per cent—had decided to come in. One power, therefore, merely by refusing to come in, merely by exercising its undoubted right of staying outside this new arrangement, could prevent for an indefinite period the application of the last paragraph in Article VI with regard to the equalization of tariffs. He therefore believed it was clear that that last sentence must be modified. The obvious modification should be to put in words such as the following: "The provisions of the present Treaty shall override all stipulation of treaties between China and the respective Contracting Powers which are inconsistent therewith, other than stipulations according most favored nation treatment."

Mr. Balfour said he believed the best place to put the amendment would be at the end of Article VIII; he proposed that the clause beginning "and upon such adherence" to the end of the paragraph, should be omitted altogether; that the second paragraph should remain intact; and that, as a third paragraph, the words which he had read should be introduced.

It would be observed that this new proposal appeared to drag in, quite irrelevantly, considerations with regard to the "most-favored-nation" clause which did not appear to have anything to do with the particular subject—i. e., Article VIII, which required—as he thought must be admitted—some amendment.

The committee might ask why he had dragged into this amendment any reference to the "most-favored-nation" clause. He would give an illustration. Sweden at the present time had a treaty with China under which she paid 5 per centum *ad valorem* duties; there was no obligation upon Sweden to go into this new arrangement. If, therefore, the clause in its present shape were passed, the result might be—unless these saving words were put in with regard to the "most-favored-nation" clause—that all the powers around the table and all the other powers which adhered to this treaty would continue paying duties of 7½ per cent. while Sweden would only be paying 5 per cent. That would be an intolerable condition. Unless

something such as he had suggested were done, that situation would exist. If these saving words—which prevented the most-favored-nation clause being overridden by this clause—were put in, then the kind of evil to which he had adverted would not occur.

It was, he added, rather a complicated matter and one not easily explained and not quite obvious at first glance. If he had explained it clearly, he hoped his colleagues would agree that he had not suggested any substantial change. All his amendment did was to make clear that which was somewhat obscure and to avoid a danger which he did not think had occurred to the original drafter who was responsible for this draft treaty.

Senator Underwood said he thought the position Mr. Balfour had taken with reference to this matter was correct. The amendment which he thought had been proposed that morning by the British delegation he did not altogether agree with but he thought the one just offered cleared up the situation.

This was, of course, a very difficult question to deal with, because it was manifest that if one nation conceded the right of another nation to enter China on more favorable terms of tariff taxation, this would very seriously endanger the trade of its nationals. The delegates were all interested in having the nationals of every country—not only the nationals of the countries represented at the conference but those of other countries as well—given the opportunity of going into China—if China consented, as he hoped she would—on equal terms, because that was in the interest of fair development of trade.

It was clear that if the nine powers represented on the committee should have a treaty with China and should put it into effect and then those powers that had treaty rights with China, such as Spain and Sweden, should refuse to become parties to this convention, these other powers would enter China under the old treaty rates of 5 per cent. This would be manifestly unjust to those powers which were at the table endeavoring to help China.

If Mr. Balfour's amendment was agreed to, the treaty would be binding on the powers at the table except that, since they all had a "favored-nation" clause, if either Spain or Sweden were to refuse to enter into this agreement for the increased revenue then under the "favored-nation" clause, as proposed in Mr. Balfour's amendment, all the nations represented at the conference would be on terms of equality with Spain and Sweden.

He might be wrong in this matter, but he believed this treaty was not on the same basis as many other treaties involving great national rights. This was a trade agreement, a trade contract, which China had made with the other nations of the world, and he thought China had a right to denounce these treaties when she thought proper. He thought this was clearly her right, because no question of national right was involved; it was merely a question of trade agreements, and agreements of that kind had been made in the past to extend over a period of time, or an indefinite period of time, and when conditions changed so that they worked a great disadvantage to one or others of the contracting parties it had been recognized in the past that such trade conventions might be eliminated.

This might not meet with the approval of all, and he did not say it for that purpose; he was only stating his own viewpoint. China

must have this money if she was going to function as a government. She had asked the powers at this table to grant her the right to raise these taxes. The nine powers had agreed with China on a plan which increased taxes. It seemed to him that if one nation in the world stood out alone against the sentiment and the consensus of opinion of the nationals sitting at the table and tried to prevent China from getting this additional money—this revenue which was necessary for her national life—the Chinese Government would be entirely justified in denouncing that treaty or that agreement.

He said this because this question might arise; one of the contracting parties might say that China must stand for the future on her 5 per cent tariff, which would endanger the life of the Chinese Government.

His opinion was that no one power in the world had the right, as against the sentiments expressed by the nine powers at the table and against the desires of China, to take such a position, and he believed that in the high courts of national morality such a position could well be maintained. If it were not, all the work of the committee was futile; if it were not, it meant that, simply because a nation 60 years before, when she did not feel that she needed more than 5 per cent revenue, had had her customs houses enter into an agreement, that nation must be bound for the years, for the decades and centuries to come, unable to maintain her governmental life.

He did not feel, however, that the matter was so serious, since under this agreement the opportunity would be given to Spain and to Sweden to become parties to it, and he thought they would accept; but if they did not become parties to it or stood as dogs in the manger preventing China from having the opportunity of life to which she was entitled, then he thought the way to carry out this agreement would be to denounce it.

But the nations represented on the committee were entitled to protect their rights to equal terms, and if China did not denounce her treaties and allowed imports from Spain and Sweden to enter China under a 5 per cent duty—if these countries did not give their adherence—then China must recognize her duty to the nations represented at the table and let them continue their imports into China under the 5 per cent duty.

Senator Underwood therefore thought Mr. Balfour's amendment should be agreed to.

The chairman said it had been suggested—and he thought with reason—that the provision proposed by Mr. Balfour and accepted by Mr. Underwood should be a separate article and should appear as Article IX. It would be observed that it was not necessarily a part of Article VIII. It had been suggested that the last clause of the first paragraph of Article VIII (beginning with the words "and upon such adherence" and ending with the end of that sentence) should be struck out, so that the first paragraph of Article VIII would end with the words "shall be invited to adhere to the present treaty." Then would follow the second paragraph of Article VIII, as it stood; that article would then deal only with adherence and the method of securing it. Then would come the new Article IX—"The provisions of the present treaty shall override all stipulations," etc.

The chairman asked if the committee desired to discuss the matter further, or were ready to act upon Article IX as proposed. He

added that the United States of America assented. The other delegations, being polled, each voted in the affirmative and the chairman announced that Article IX had been unanimously adopted. Article IX of the draft therefore became Article X.

The chairman asked whether the committee was ready to recommend the treaty, as amended, for signature. He added that the United States of America assented.

The other delegations, being polled, each assented, and the chairman declared that it was so ordered.

The chairman said it had been suggested that morning in the subcommittee that there should be a protocol which should really take the form of an annex to the treaty, as follows:

" PROPOSED PROTOCOL OR ANNEX.

"At the moment of signature of the Treaty of this date relating to the Chinese Customs Tariff, made between the United States of America, Belgium, the British Empire, China, France, Japan, The Netherlands and Portugal, the undersigned Representatives of China, duly authorized to that effect, make the following declaration:

"The Chinese Government have no intention to effect any change which may disturb the present administration of the Chinese Maritime Customs."

The chairman said that this question has occasioned some discussion in the subcommittee and the matter was referred to the full committee; he supposed that what took place in the subcommittee on the point might be stated.

Senator Underwood said that, if he recollected correctly, when the tariff resolution was reported some meetings ago, this declaration on the part of China was embraced in it and was accepted at the same time that the resolution was passed.

The chairman said that the question arose whether this should take the form of a declaration to appear upon the minutes of the conference or of an annex, to be signed by the Chinese representatives. It was now presented in the form of an annex, to be signed by the representatives of China and finally annexed to the treaty, forming a part of the document.

Mr. Koo said that while the committee was discussing this matter he might possibly be allowed to say a word. This declaration was a voluntary declaration of policy on the part of the Chinese Government, and his colleagues around the table would no doubt recall that when he (Mr. Koo) had had the honor, on behalf of his delegation, to present the Chinese viewpoint on the tariff question, he had made that declaration without any suggestion or request from any quarter. He had made it because it represented the policy of the Chinese Government as that policy had been pursued for many decades in the past; no departure from this policy was contemplated at the present time.

So far as he was aware, there was no international treaty or convention in which this policy had been stipulated. It occurred only in two loan contracts which the Chinese Government had made in 1896 and in 1898 with two groups of foreign bankers.

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...in just the form in which it was understood the situation, there was no indication, it was merely a question of whether it should be an annex to the report. The committee resolved this question in the minutes of the meeting. The understanding of the subcommittee was that the suggestion had been made as part of the subcommittee's report and that was not his understanding.

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"The chairman said that in the report of the subcommittee appeared a communication which, it was unanimously agreed by the subcommittee, should form a part of the proposed agreement, and should serve as an amendment to it. This was entitled," etc.

"The question was then upon the adoption of this portion of the report and the agreement that this declaration should form an appendix to the agreement of the powers present. He asked whether it was desired that this question should be discussed. Vote being taken, the nine powers present signifying their assent, the proposal was adopted."

The chairman added that that was all that appeared in the minutes on the subject.

Senator Underwood said it seemed to him that the question had been conclusively settled. At the suggestion of China, this had been put in the record, and the report made in the open session with the understanding of China, and China had already voted for it and was on record of approving it. It did not seem to him that the committee could go any further or make this statement more conclusive.

The chairman said the question was not as to the statement but as to whether it should be an annex to the treaty.

Senator Underwood said he did not think it ought to be annexed to the treaty, because there were no treaty rights with China whereby she could be compelled to assume this obligation. China had already indicated that she did not want to have it put into the resolution. China had voluntarily, in the past, consented to this arrangement, and he had no doubt that the Government of China, after reaching this understanding with the nine powers at the table, would carry it out. In view of that, it would not be a nice position to take to put a declaration in this treaty compelling China to agree that her customs tariff should be administered by nationals not of her own but of other countries. He thought the powers represented on the committee ought not to be in the position of appearing to force on China, as a sovereign nation, the right to put somebody else in the administration of her customs service. China had voluntarily offered it, and he thought the offer should be accepted in good faith as it had been tendered.

Baron de Cartier said that he understood the minutes of the subcommittee would be published, in which all this was recorded; he asked if that would not be sufficient.

The chairman said he assumed that this declaration would, in any event, be spread upon the minutes of the plenary session, and would form a part of the record of the conference itself, as a declaration on the part of the Chinese delegates. There was no question about that, he assumed. The only point was in regard to its forming an appendix to the treaty.

Mr. Balfour said that the situation appeared to be that in the subcommittee the subject was discussed, and the subcommittee unanimously decided, as he understood it, that this declaration should be an annex to the treaty; and among the persons who voted for that was the Chinese representative.

Senator Underwood said that he did not understand that the subcommittee had agreed that the declaration should be an annex to the treaty. The subcommittee had only taken it as a declaration—a part



of the agreement as to the 4 per cent. becoming effective—here it was not in the part of the report relating to the treaty, as he understood it.

Mr. Balfour said that he was the last person to enter into a controversy with the chairman of the subcommittee as to what had occurred there; but the reason he had ventured to make that expression of opinion was that, if reference were made to the meeting of the 5th of January, it would be seen that nine resolutions were agreed to, and those resolutions were the substance of the treaty with which the committee was then engaged.

After those nine propositions had all been accepted, the delegate for China had submitted the following communication, "which it was unanimously agreed should form part of the foregoing agreement as an appendix thereto." Now, "the foregoing agreement," as he read it, was simply the treaty which had just been read. So that the delegate from China had agreed that the declaration should be an appendix thereto.

Mr. Balfour said he did not wish anybody to suppose, however, that, if the Chinese delegation either had expressed themselves ambiguously on the first occasion or had altered their opinion, that he wished to ask them to do anything which might be regarded by them as humiliating or as derogatory, in the slightest degree, of the position of China. All he wanted to secure was that the declaration of China should be in a form easily accessible and perfectly clear.

One way of doing this was to make it an annex to this treaty. Another way—which was the one suggested, he thought, by the chairman—was that it should be solemnly and formally recorded the next day at the open session. A third way, which might be worth considering, was to embody the declaration in the preamble as one of the grounds on which this treaty had been adopted. The preamble, if that scheme were accepted, would run as follows:

"With a view to increasing the revenues of the Chinese Government, the powers, etc., have resolved to conclude a treaty providing for the following revision of the Chinese tariff, etc., and, in view of the fact that the Chinese Government have no intention to effect any change," etc.

There was no doubt, he supposed, that the fact that the Chinese Government were prepared to continue the existing administration of the customs was one of the governing considerations which had induced the powers to accept this modification of the tariff; and that, if the suggestion had been that the management and control of the customs system should be fundamentally altered, it would have been very difficult to induce the conference to pass the resolutions increasing the tariff.

He did not really much care which of the three plans he had mentioned was adopted; and if the chairman thought that a solemn declaration at the open session, to be held next day, would be of adequate authority and would sufficiently proclaim to all the world one of the governing considerations which had enabled the conference to accept the desire of China—the most legitimate desire of China—to have an increased revenue for her customs, he did not specially desire to raise a controversy at this period of the committee's discussions. He thought the preamble scheme was worth considering.

Senator Underwood said he did not like to take up the time of the committee, but he felt that this report went a little further perhaps in its declarations than the subcommittee had intended. In the original draft, which the committee was considering, there was some provision in reference to China's maintaining the present customs system. Mr. Koo, on behalf of China, had immediately called the attention of the subcommittee to the fact that there was no treaty obligation that bound China in this regard; that she had consented to the present administration of the customs system, that it was satisfactory to her, and that she would continue it. Mr. Koo had added that, although he did not want such a provision in the resolution, he was willing to make a declaration which he had then read, and which had since been reported to the committee.

Senator Underwood said that he objected to putting the Chinese declaration into this treaty because he might have to defend this treaty. There were a very great number of good people in the United States who desired the upbuilding of China, and who would be very much opposed to the treaty if they felt that the Government of the United States had in any way coerced China into an obligation that was not entirely satisfactory to China, especially in reference to the administration of her local affairs; and it might be that he would find some difficulty in defending such a provision in the treaty.

He agreed with what Mr. Balfour had said—that this declaration had been made in good faith upon the part of China. He had not the slightest doubt that she would live up to it and carry it out, but in order that there should be no mistake about it in the future, that it might be understood by all, he thought it very reasonable that the committee should make it a part of the record of the plenary sessions of this conference. He did not think, however, that the committee should go further than that, because they then would be putting into this treaty, in which they were yielding to China what she wanted, a declaration which China said she did not want to make; and he, personally, did not wish to be put into a position where he might have to defend a proposition of that kind. He therefore hoped very much that the committee would not put it into the treaty, but that it might be reported by the chairman to the plenary session of the conference; this, Senator Underwood believed, would cover the situation, because, while it was a mere declaration, it was just as strong and just as binding as if it were in the treaty.

Mr. Balfour said he was the last person who would desire to enter into a controversy with the chairman of the subcommittee as to what happened in the subcommittee, and he fully appreciated the considerations which Senator Underwood had so clearly brought before the committee. In these circumstances, he would content himself with taking note of the statement which Senator Underwood had made, namely, that a declaration made by him, on behalf of the conference, at the plenary session would have as binding an effect upon China as if it were formally embodied in the treaty; and that the committee's proceedings that afternoon, supplemented as they would be by the proceedings the next day at the plenary session, would add all the solemnity which was required to make the engagement by China, embodied in the declaration of the Chinese delegation, as authoritative, as binding, and as conclusive as the committee need de-

sire. In these circumstances Mr. Balfour said that he, at all events, proposed to raise no further objection to the course which Senator Underwood desired the committee to pursue.

The chairman said he understood that it was the desire and instruction of the committee that there should be placed upon the record of the conference at the plenary session the following declaration made on behalf of the Chinese Government, to wit:

"The Chinese Government have no intention to effect any change which may disturb the present administration of the Chinese maritime customs."

He asked whether the committee was ready to act upon that.

Mr. Koo said that he had no objection that the particular kind of solemnity and formality which Mr. Balfour had suggested should be given to this particular declaration, but he said that he also wished to remind the members of the committee who had sat on Senator Underwood's subcommittee on Chinese tariff of the statement which he (Mr. Koo) had made in the subcommittee that this declaration of intention—not to disturb the present custom administration—could not be reasonably construed to preclude the Chinese people from realizing their legitimate aspiration to make the Chinese maritime customs service an institution more national in character. Though the present system of administration had been in existence for nearly 60 years, very few Chinese had been trained by that service. Out of 44 commissioners of customs distributed among the treaty ports, Mr. Koo was not aware of a single post being at present occupied by a Chinese. He had no desire to make any particular comment on this state of affairs, but he merely wished to throw some light on the subject, in order to make clear the point he had in mind. The services of the present maritime customs administration had been valuable and efficient, as had been often testified to by Chinese officials in many ways, but there was, nevertheless, a very general feeling on the part of the Chinese people that more Chinese should be trained to assume the functions of the more responsible posts in the service. Mr. Koo felt confident, however, that in suggesting to give to the declaration of the Chinese delegation the solemnity of a public announcement at a plenary session of the conference, his friend and colleague, Mr. Balfour, had no desire to see the policy embodied in the declaration invested with the character of permanency.

Mr. Balfour said that he had no such desire.

The chairman said the United States of America assented to the spreading of this declaration on the record, as stated. The other delegations, being polled, each voted in the affirmative, and the chairman declared that it had been unanimously agreed to.

The chairman said that the committee would observe that nothing was said in the treaty in respect to the board of reference to which allusions was made in the resolution relating to the open-door policy and which was to be constituted upon the recommendation of the special conference which was to consider the revision of customs duties. The reason for that omission was that the matter would naturally have to come back to the respective Governments upon the report of the conference, and it did not appear to be necessary or advisable that the engagement to appoint representatives to sit on the board should be incorporated in the treaty. Inasmuch, however, as

the only reference to the board in the records was contained in an addendum to the resolutions which had gone into the treaty, it was proposed that the following special resolution upon the subject should be adopted by the committee and recommended to the conference for adoption:

" BOARD OF REFERENCE.

" The representatives of the powers assembled at the present conference at Washington, to wit:

" The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal,

" Desiring to provide a procedure for dealing with questions that may arise in connection with the execution of the provisions of Articles III and V of the treaty signed at Washington on February 6, 1922, with reference to their general policy relating to rights and interests in China,

" Resolve that there shall be established in China a board of reference to which any questions arising in connection with the execution of the aforesaid articles may be referred for investigation and report.

" The special conference provided for in Article II of the treaty signed at Washington on February 6, 1922, with reference to the Chinese customs tariff, shall formulate for the approval of the powers concerned a detailed plan for the constitution of the board."

The chairman said that he did not understand that this resolution added anything to what had been already adopted; but it put the matter in a separate form and it might avoid any misapprehension resulting from the fact that the rest of the resolution had been put in the form of a treaty. He added that the whole point was in the last two lines, "shall formulate for the approval of the powers concerned a detailed plan."

There was nothing in this that bound anybody; it merely authorized the special conference to submit reports; that was all the present resolution amounted to.

Mr. Sze called attention to paragraph II, the third line, where "Articles III and V of the treaty signed at Washington" were mentioned; he suggested that that meant the general treaty.

The chairman said the wording should read, "to be signed."

Mr. Sze said that the first line of the last paragraph read: "The special conference provided for in Article II of the treaty."

The chairman said that that referred to the treaty relative to the Chinese customs tariff; that was another treaty; so in each case there was a definite designation.

Mr. Koo suggested that perhaps the last line in the second paragraph "with reference to their general policy relating to rights and interests in China" might be omitted.

The chairman said that that identified the treaty, since there were other treaties with Articles III and V.

Jonkheer Beelaerts van Blokland expressed doubt whether the words "with reference to their general policy relating to China" were well chosen in speaking of a treaty to which China was a party.

Sir Auckland Geddes suggested the insertion in the preamble of the words "designed to stabilize conditions in the Far East."

must have this money if she was going to function as a government. She had asked the powers at this table to grant her the right to raise these taxes. The nine powers had agreed with China on a plan which increased taxes. It seemed to him that if one nation in the world stood out alone against the sentiment and the consensus of opinion of the nationals sitting at the table and tried to prevent China from getting this additional money—this revenue which was necessary for her national life—the Chinese Government would be entirely justified in denouncing that treaty or that agreement.

He said this because this question might arise; one of the contracting parties might say that China must stand for the future on her 5 per cent tariff, which would endanger the life of the Chinese Government.

His opinion was that no one power in the world had the right, as against the sentiments expressed by the nine powers at the table and against the desires of China, to take such a position, and he believed that in the high courts of national morality such a position could well be maintained. If it were not, all the work of the committee was futile; if it were not, it meant that, simply because a nation 60 years before, when she did not feel that she needed more than 5 per cent revenue, had had her customs houses enter into an agreement, that nation must be bound for the years, for the decades and centuries to come, unable to maintain her governmental life.

He did not feel, however, that the matter was so serious, since under this agreement the opportunity would be given to Spain and to Sweden to become parties to it, and he thought they would accept; but if they did not become parties to it or stood as dogs in the manger preventing China from having the opportunity of life to which she was entitled, then he thought the way to carry out this agreement would be to denounce it.

But the nations represented on the committee were entitled to protect their rights to equal terms, and if China did not denounce her treaties and allowed imports from Spain and Sweden to enter China under a 5 per cent duty—if these countries did not give their adherence—then China must recognize her duty to the nations represented at the table and let them continue their imports into China under the 5 per cent duty.

Senator Underwood therefore thought Mr. Balfour's amendment should be agreed to.

The chairman said it had been suggested—and he thought with reason—that the provision proposed by Mr. Balfour and accepted by Mr. Underwood should be a separate article and should appear as Article IX. It would be observed that it was not necessarily a part of Article VIII. It had been suggested that the last clause of the first paragraph of Article VIII (beginning with the words "and upon such adherence" and ending with the end of that sentence) should be struck out, so that the first paragraph of Article VIII would end with the words "shall be invited to adhere to the present treaty." Then would follow the second paragraph of Article VIII, as it stood; that article would then deal only with adherence and the method of securing it. Then would come the new Article IX—"The provisions of the present treaty shall override all stipulations," etc.

The chairman asked if the committee desired to discuss the matter further, or were ready to act upon Article IX as proposed. He

added that the United States of America assented. The other delegations, being polled, each voted in the affirmative and the chairman announced that Article IX had been unanimously adopted. Article IX of the draft therefore became Article X.

The chairman asked whether the committee was ready to recommend the treaty, as amended, for signature. He added that the United States of America assented.

The other delegations, being polled, each assented, and the chairman declared that it was so ordered.

The chairman said it had been suggested that morning in the subcommittee that there should be a protocol which should really take the form of an annex to the treaty, as follows:

" PROPOSED PROTOCOL OR ANNEX.

"At the moment of signature of the Treaty of this date relating to the Chinese Customs Tariff, made between the United States of America, Belgium, the British Empire, China, France, Japan, The Netherlands and Portugal, the undersigned Representatives of China, duly authorized to that effect, make the following declaration:

"The Chinese Government have no intention to effect any change which may disturb the present administration of the Chinese Maritime Customs."

The chairman said that this question has occasioned some discussion in the subcommittee and the matter was referred to the full committee; he supposed that what took place in the subcommittee on the point might be stated.

Senator Underwood said that, if he recollected correctly, when the tariff resolution was reported some meetings ago, this declaration on the part of China was embraced in it and was accepted at the same time that the resolution was passed.

The chairman said that the question arose whether this should take the form of a declaration to appear upon the minutes of the conference or of an annex, to be signed by the Chinese representatives. It was now presented in the form of an annex, to be signed by the representatives of China and finally annexed to the treaty, forming a part of the document.

Mr. Koo said that while the committee was discussing this matter he might possibly be allowed to say a word. This declaration was a voluntary declaration of policy on the part of the Chinese Government, and his colleagues around the table would no doubt recall that when he (Mr. Koo) had had the honor, on behalf of his delegation, to present the Chinese viewpoint on the tariff question, he had made that declaration without any suggestion or request from any quarter. He had made it because it represented the policy of the Chinese Government as that policy had been pursued for many decades in the past; no departure from this policy was contemplated at the present time.

So far as he was aware, there was no international treaty or convention in which this policy had been stipulated. It occurred only in two loan contracts which the Chinese Government had made in 1896 and in 1898 with two groups of foreign bankers.

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 as an annex to the report; and that that was about all that took  
 place, except he remembered some members of the subcommittee,  
 including its chairman, brought the matter up on more than one  
 occasion and were insistent that there should be a declaration of  
 this kind made in the committee in some manner which would be  
 regarded as effective.

The chairman said he found in the minutes of the meeting of  
 January 3 of this committee, the following statement in regard  
 to the report of the subcommittee on Chinese customs:

The delegates for China submitted the following communica-  
 tion, which it was unanimously agreed should form a part of the  
 foregoing agreement as an appendix thereto:

Declaration of intention not to disturb the present administra-  
 tion of the Chinese maritime customs: The Chinese delegation has  
 the honor to inform the Committee on Far Eastern Questions of  
 the Conference on the Limitation of Armament that the Chinese  
 Government have no intention to effect any change which may dis-  
 turb the present administration of Chinese customs."

Then, the chairman continued, after the vote had been taken on  
 the resolution, the minutes stated:

chairman said that in the report of the subcommittee communication which, it was unanimously agreed by the should form a part of the proposed agreement, and an amendment to it. This was entitled," etc.

was then upon the adoption of this portion of the agreement that this declaration should form an agreement of the powers present. He asked whether that this question should be discussed. Vote being nine powers present signifying their assent, the proposal was adopted.

Chairman added that that was all that appeared in the minutes on the subject.

Senator Underwood said it seemed to him that the question had been conclusively settled. At the suggestion of China, this had been put in the record, and the report made in the open session with the understanding of China, and China had already voted for it and was on record of approving it. It did not seem to him that the committee could go any further or make this statement more conclusive.

The chairman said the question was not as to the statement but as to whether it should be an annex to the treaty.

Senator Underwood said he did not think it ought to be annexed to the treaty, because there were no treaty rights with China whereby she could be compelled to assume this obligation. China had already indicated that she did not want to have it put into the resolution. China had voluntarily, in the past, consented to this arrangement, and he had no doubt that the Government of China, after reaching this understanding with the nine powers at the table, would carry it out. In view of that, it would not be a nice position to take to put a declaration in this treaty compelling China to agree that her customs tariff should be administered by nationals not of her own but of other countries. He thought the powers represented on the committee ought not to be in the position of appearing to force on China, as a sovereign nation, the right to put somebody else in the administration of her customs service. China had voluntarily offered it, and he thought the offer should be accepted in good faith as it had been tendered.

Baron de Cartier said that he understood the minutes of the subcommittee would be published, in which all this was recorded; he asked if that would not be sufficient.

The chairman said he assumed that this declaration would, in any event, be spread upon the minutes of the plenary session, and would form a part of the record of the conference itself, as a declaration on the part of the Chinese delegates. There was no question about that, he assumed. The only point was in regard to its forming an appendix to the treaty.

Mr. Balfour said that the situation appeared to be that in the subcommittee the subject was discussed, and the subcommittee unanimously decided, as he understood it, that this declaration should be an annex to the treaty; and among the persons who voted for that was the Chinese representative.

Senator Underwood said that he did not understand that the subcommittee had agreed that the declaration should be an annex to the treaty. The subcommittee had only taken it as a declaration—a part



must have this money if she was going to function as a government. She had asked the powers at this table to grant her the right to raise these taxes. The nine powers had agreed with China on a plan which increased taxes. It seemed to him that if one nation in the world stood out alone against the sentiment and the consensus of opinion of the nationals sitting at the table and tried to prevent China from getting this additional money—this revenue which was necessary for her national life—the Chinese Government would be entirely justified in denouncing that treaty or that agreement.

He said this because this question might arise; one of the contracting parties might say that China must stand for the future on her 5 per cent tariff, which would endanger the life of the Chinese Government.

His opinion was that no one power in the world had the right, as against the sentiments expressed by the nine powers at the table and against the desires of China, to take such a position, and he believed that in the high courts of national morality such a position could well be maintained. If it were not, all the work of the committee was futile; if it were not, it meant that, simply because a nation 60 years before, when she did not feel that she needed more than 5 per cent revenue, had had her customs houses enter into an agreement, that nation must be bound for the years, for the decades and centuries to come, unable to maintain her governmental life.

He did not feel, however, that the matter was so serious, since under this agreement the opportunity would be given to Spain and to Sweden to become parties to it, and he thought they would accept; but if they did not become parties to it or stood as dogs in the manger preventing China from having the opportunity of life to which she was entitled, then he thought the way to carry out this agreement would be to denounce it.

But the nations represented on the committee were entitled to protect their rights to equal terms, and if China did not denounce her treaties and allowed imports from Spain and Sweden to enter China under a 5 per cent duty—if these countries did not give their adherence—then China must recognize her duty to the nations represented at the table and let them continue their imports into China under the 5 per cent duty.

Senator Underwood therefore thought Mr. Balfour's amendment should be agreed to.

The chairman said it had been suggested—and he thought with reason—that the provision proposed by Mr. Balfour and accepted by Mr. Underwood should be a separate article and should appear as Article IX. It would be observed that it was not necessarily a part of Article VIII. It had been suggested that the last clause of the first paragraph of Article VIII (beginning with the words "and upon such adherence" and ending with the end of that sentence) should be struck out, so that the first paragraph of Article VIII would end with the words "shall be invited to adhere to the present treaty." Then would follow the second paragraph of Article VIII, as it stood; that article would then deal only with adherence and the method of securing it. Then would come the new Article IX—"The provisions of the present treaty shall override all stipulations," etc.

The chairman asked if the committee desired to discuss the matter further, or were ready to act upon Article IX as proposed. He

added that the United States of America assented. The other delegations, being polled, each voted in the affirmative and the chairman announced that Article IX had been unanimously adopted. Article IX of the draft therefore became Article X.

The chairman asked whether the committee was ready to recommend the treaty, as amended, for signature. He added that the United States of America assented.

The other delegations, being polled, each assented, and the chairman declared that it was so ordered.

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The chairman said that this question has occasioned some discussion in the subcommittee and the matter was referred to the full committee; he supposed that what took place in the subcommittee on the point might be stated.

Senator Underwood said that, if he recollected correctly, when the tariff resolution was reported some meetings ago, this declaration on the part of China was embraced in it and was accepted at the same time that the resolution was passed.

The chairman said that the question arose whether this should take the form of a declaration to appear upon the minutes of the conference or of an annex, to be signed by the Chinese representatives. It was now presented in the form of an annex, to be signed by the representatives of China and finally annexed to the treaty, forming a part of the document.

Mr. Koo said that while the committee was discussing this matter he might possibly be allowed to say a word. This declaration was a voluntary declaration of policy on the part of the Chinese Government, and his colleagues around the table would no doubt recall that when he (Mr. Koo) had had the honor, on behalf of his delegation, to present the Chinese viewpoint on the tariff question, he had made that declaration without any suggestion or request from any quarter. He had made it because it represented the policy of the Chinese Government as that policy had been pursued for many decades in the past; no departure from this policy was contemplated at the present time.

So far as he was aware, there was no international treaty or convention in which this policy had been stipulated. It occurred only in two loan contracts which the Chinese Government had made in 1896 and in 1898 with two groups of foreign bankers.

Of course, those contracts were still in force and their terms were still binding.

He therefore desired to say that, when this subject had been brought up in the subcommittee, he did not recall that any question of signature had been raised. If he remembered correctly the form in which it was reported to this committee by the chairman of the subcommittee some time before, was exactly the form which the members of the subcommittee had accepted. He felt certain that his colleagues around the table would not wish to make a treaty obligation, an international obligation, out of a matter which fell within the domestic policy of the Chinese Government. He felt certain that, thus explained, his colleagues would be perfectly satisfied with this declaration of policy, which was made voluntarily in the original instance and made in all good faith, and therefore he wished to say that, so far as the Chinese delegation was concerned, they did not feel quite the necessity of putting it in just the form in which it had been suggested.

The chairman said that, as he understood the situation, there was no trouble about the making of the declaration, it was merely a question of its form. It was proposed that it should be an annex to the treaty. The Chinese representatives said their understanding was that it should be a declaration recorded in the minutes of the conference. How, he asked, would the committee resolve this question and what had been the understanding of the subcommittee.

Sir Robert Borden stated that he thought the suggestion had been that this declaration should form a part of the subcommittee's report. He asked Senator Underwood if that was not his understanding.

Senator Underwood replied that it was in the tentative report, and that Dr. Koo had made the same statement then that he had just made.

Sir Robert Borden said his understanding was that it was removed from the report before it was presented to the subcommittee, and was brought up before the full committee by the subcommittee as an annex to the report; and that that was about all that took place, except he remembered some members of the subcommittee, including its chairman, brought the matter up on more than one occasion and were insistent that there should be a declaration of this kind made in the committee in some manner which would be regarded as effective.

The chairman said he found in the minutes of the meeting of January 5 of this committee, the following statement in regard to the report of the subcommittee on Chinese customs:

"The delegates for China submitted the following communication, which it was unanimously agreed should form a part of the foregoing agreement as an appendix thereto:

"Declaration of intention not to disturb the present administration of the Chinese maritime customs: The Chinese delegation has the honor to inform the Committee on Far Eastern Questions of the Conference on the Limitation of Armament that the Chinese Government have no intention to effect any change which may disturb the present administration of Chinese customs."

Then, the chairman continued, after the vote had been taken on the resolution, the minutes stated:

"The chairman said that in the report of the subcommittee appeared a communication which, it was unanimously agreed by the subcommittee, should form a part of the proposed agreement, and should serve as an amendment to it. This was entitled," etc.

"The question was then upon the adoption of this portion of the report and the agreement that this declaration should form an appendix to the agreement of the powers present. He asked whether it was desired that this question should be discussed. Vote being taken, the nine powers present signifying their assent, the proposal was adopted."

The chairman added that that was all that appeared in the minutes on the subject.

Senator Underwood said it seemed to him that the question had been conclusively settled. At the suggestion of China, this had been put in the record, and the report made in the open session with the understanding of China, and China had already voted for it and was on record of approving it. It did not seem to him that the committee could go any further or make this statement more conclusive.

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Senator Underwood said he did not think it ought to be annexed to the treaty, because there were no treaty rights with China whereby she could be compelled to assume this obligation. China had already indicated that she did not want to have it put into the resolution. China had voluntarily, in the past, consented to this arrangement, and he had no doubt that the Government of China, after reaching this understanding with the nine powers at the table, would carry it out. In view of that, it would not be a nice position to take to put a declaration in this treaty compelling China to agree that her customs tariff should be administered by nationals not of her own but of other countries. He thought the powers represented on the committee ought not to be in the position of appearing to force on China, as a sovereign nation, the right to put somebody else in the administration of her customs service. China had voluntarily offered it, and he thought the offer should be accepted in good faith as it had been tendered.

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The chairman said he assumed that this declaration would, in any event, be spread upon the minutes of the plenary session, and would form a part of the record of the conference itself, as a declaration on the part of the Chinese delegates. There was no question about that, he assumed. The only point was in regard to its forming an appendix to the treaty.

Mr. Balfour said that the situation appeared to be that in the subcommittee the subject was discussed, and the subcommittee unanimously decided, as he understood it, that this declaration should be an annex to the treaty; and among the persons who voted for that was the Chinese representative.

Senator Underwood said that he did not understand that the subcommittee had agreed that the declaration should be an annex to the treaty. The subcommittee had only taken it as a declaration—a part

of the agreement about the 4 per cent becoming effective—since it was not in the part (of the report) relating to the treaty, as he understood it.

Mr. Balfour said that he was the last person to enter into a controversy with the chairman of the subcommittee as to what had occurred there; but the reason he had ventured to make that expression of opinion was that, if reference were made to the meeting of the 5th of January, it would be seen that nine resolutions were agreed to, and those resolutions were the substance of the treaty with which the committee was then engaged.

After those nine propositions had all been accepted, the delegate for China had submitted the following communication, "which it was unanimously agreed should form part of the foregoing agreement as an appendix thereto." Now, "the foregoing agreement," as he read it, was simply the treaty which had just been read. So that the delegate from China had agreed that the declaration should be an appendix thereto.

Mr. Balfour said he did not wish anybody to suppose, however, that, if the Chinese delegation either had expressed themselves ambiguously on the first occasion or had altered their opinion, that he wished to ask them to do anything which might be regarded by them as humiliating or as derogatory, in the slightest degree, of the position of China. All he wanted to secure was that the declaration of China should be in a form easily accessible and perfectly clear.

One way of doing this was to make it an annex to this treaty. Another way—which was the one suggested, he thought, by the chairman—was that it should be solemnly and formally recorded the next day at the open session. A third way, which might be worth considering, was to embody the declaration in the preamble as one of the grounds on which this treaty had been adopted. The preamble, if that scheme were accepted, would run as follows:

"With a view to increasing the revenues of the Chinese Government, the powers, etc., have resolved to conclude a treaty providing for the following revision of the Chinese tariff, etc., and, in view of the fact that the Chinese Government have no intention to effect any change," etc.

There was no doubt, he supposed, that the fact that the Chinese Government were prepared to continue the existing administration of the customs was one of the governing considerations which had induced the powers to accept this modification of the tariff; and that, if the suggestion had been that the management and control of the customs system should be fundamentally altered, it would have been very difficult to induce the conference to pass the resolutions increasing the tariff.

He did not really much care which of the three plans he had mentioned was adopted; and if the chairman thought that a solemn declaration at the open session, to be held next day, would be of adequate authority and would sufficiently proclaim to all the world one of the governing considerations which had enabled the conference to accept the desire of China—the most legitimate desire of China—to have an increased revenue for her customs, he did not specially desire to raise a controversy at this period of the committee's discussions. He thought the preamble scheme was worth considering.

Senator Underwood said he did not like to take up the time of the committee, but he felt that this report went a little further perhaps in its declarations than the subcommittee had intended. In the original draft, which the committee was considering, there was some provision in reference to China's maintaining the present customs system. Mr. Koo, on behalf of China, had immediately called the attention of the subcommittee to the fact that there was no treaty obligation that bound China in this regard; that she had consented to the present administration of the customs system, that it was satisfactory to her, and that she would continue it. Mr. Koo had added that, although he did not want such a provision in the resolution, he was willing to make a declaration which he had then read, and which had since been reported to the committee.

Senator Underwood said that he objected to putting the Chinese declaration into this treaty because he might have to defend this treaty. There were a very great number of good people in the United States who desired the upbuilding of China, and who would be very much opposed to the treaty if they felt that the Government of the United States had in any way coerced China into an obligation that was not entirely satisfactory to China, especially in reference to the administration of her local affairs; and it might be that he would find some difficulty in defending such a provision in the treaty.

He agreed with what Mr. Balfour had said—that this declaration had been made in good faith upon the part of China. He had not the slightest doubt that she would live up to it and carry it out, but in order that there should be no mistake about it in the future, that it might be understood by all, he thought it very reasonable that the committee should make it a part of the record of the plenary sessions of this conference. He did not think, however, that the committee should go further than that, because they then would be putting into this treaty, in which they were yielding to China what she wanted, a declaration which China said she did not want to make; and he, personally, did not wish to be put into a position where he might have to defend a proposition of that kind. He therefore hoped very much that the committee would not put it into the treaty, but that it might be reported by the chairman to the plenary session of the conference; this, Senator Underwood believed, would cover the situation, because, while it was a mere declaration, it was just as strong and just as binding as if it were in the treaty.

Mr. Balfour said he was the last person who would desire to enter into a controversy with the chairman of the subcommittee as to what happened in the subcommittee, and he fully appreciated the considerations which Senator Underwood had so clearly brought before the committee. In these circumstances, he would content himself with taking note of the statement which Senator Underwood had made, namely, that a declaration made by him, on behalf of the conference, at the plenary session would have as binding an effect upon China as if it were formally embodied in the treaty; and that the committee's proceedings that afternoon, supplemented as they would be by the proceedings the next day at the plenary session, would add all the solemnity which was required to make the engagement by China, embodied in the declaration of the Chinese delegation, as authoritative, as binding, and as conclusive as the committee need de-

sire. In these circumstances Mr. Balfour said that he, at all events, proposed to raise no further objection to the course which Senator Underwood desired the committee to pursue.

The chairman said he understood that it was the desire and instruction of the committee that there should be placed upon the record of the conference at the plenary session the following declaration made on behalf of the Chinese Government, to wit:

"The Chinese Government have no intention to effect any change which may disturb the present administration of the Chinese maritime customs."

He asked whether the committee was ready to act upon that.

Mr. Koo said that he had no objection that the particular kind of solemnity and formality which Mr. Balfour had suggested should be given to this particular declaration, but he said that he also wished to remind the members of the committee who had sat on Senator Underwood's subcommittee on Chinese tariff of the statement which he (Mr. Koo) had made in the subcommittee that this declaration of intention—not to disturb the present custom administration—could not be reasonably construed to preclude the Chinese people from realizing their legitimate aspiration to make the Chinese maritime customs service an institution more national in character. Though the present system of administration had been in existence for nearly 60 years, very few Chinese had been trained by that service. Out of 44 commissioners of customs distributed among the treaty ports, Mr. Koo was not aware of a single post being at present occupied by a Chinese. He had no desire to make any particular comment on this state of affairs, but he merely wished to throw some light on the subject, in order to make clear the point he had in mind. The services of the present maritime customs administration had been valuable and efficient, as had been often testified to by Chinese officials in many ways, but there was, nevertheless, a very general feeling on the part of the Chinese people that more Chinese should be trained to assume the functions of the more responsible posts in the service. Mr. Koo felt confident, however, that in suggesting to give to the declaration of the Chinese delegation the solemnity of a public announcement at a plenary session of the conference, his friend and colleague, Mr. Balfour, had no desire to see the policy embodied in the declaration invested with the character of permanency.

Mr. Balfour said that he had no such desire.

The chairman said the United States of America assented to the spreading of this declaration on the record, as stated. The other delegations, being polled, each voted in the affirmative, and the chairman declared that it had been unanimously agreed to.

The chairman said that the committee would observe that nothing was said in the treaty in respect to the board of reference to which allusions was made in the resolution relating to the open-door policy and which was to be constituted upon the recommendation of the special conference which was to consider the revision of customs duties. The reason for that omission was that the matter would naturally have to come back to the respective Governments upon the report of the conference, and it did not appear to be necessary or advisable that the engagement to appoint representatives to sit on the board should be incorporated in the treaty. Inasmuch, however, as

the only reference to the board in the records was contained in an addendum to the resolutions which had gone into the treaty, it was proposed that the following special resolution upon the subject should be adopted by the committee and recommended to the conference for adoption:

" BOARD OF REFERENCE.

" The representatives of the powers assembled at the present conference at Washington, to wit:

" The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal,

" Desiring to provide a procedure for dealing with questions that may arise in connection with the execution of the provisions of Articles III and V of the treaty signed at Washington on February 6, 1922, with reference to their general policy relating to rights and interests in China,

" Resolve that there shall be established in China a board of reference to which any questions arising in connection with the execution of the aforesaid articles may be referred for investigation and report.

" The special conference provided for in Article II of the treaty signed at Washington on February 6, 1922, with reference to the Chinese customs tariff, shall formulate for the approval of the powers concerned a detailed plan for the constitution of the board."

The chairman said that he did not understand that this resolution added anything to what had been already adopted; but it put the matter in a separate form and it might avoid any misapprehension resulting from the fact that the rest of the resolution had been put in the form of a treaty. He added that the whole point was in the last two lines, "shall formulate for the approval of the powers concerned a detailed plan."

There was nothing in this that bound anybody; it merely authorized the special conference to submit reports; that was all the present resolution amounted to.

Mr. Sze called attention to paragraph II, the third line, where "Articles III and V of the treaty signed at Washington" were mentioned; he suggested that that meant the general treaty.

The chairman said the wording should read, "to be signed."

Mr. Sze said that the first line of the last paragraph read: "The special conference provided for in Article II of the treaty."

The chairman said that that referred to the treaty relative to the Chinese customs tariff; that was another treaty; so in each case there was a definite designation.

Mr. Koo suggested that perhaps the last line in the second paragraph "with reference to their general policy relating to rights and interests in China" might be omitted.

The chairman said that that identified the treaty, since there were other treaties with Articles III and V.

Jonkheer Beelaerts van Blokland expressed doubt whether the words "with reference to their general policy relating to China" were well chosen in speaking of a treaty to which China was a party.

Sir Auckland Geddes suggested the insertion in the preamble of the words "designed to stabilize conditions in the Far East."



The chairman asked whether this amendment would meet the view of Jonkheer Beelaerts.

Jonkheer Beelaerts replied in the affirmative.

Dr. Koo suggested "the general treaty signed at Washington," in the second case, "the customs treaty."

The chairman said he was a little afraid of the term "the general treaty;" it was like "as big as a piece of chalk." The phrase: "With reference to their general policy, designed to stabilize conditions in the Far East" identified it without saying anything either for or against China.

Dr. Sze said there was considerable misapprehension among the Chinese people in regard to the board of reference, not because of the terms used in connection with it, but because there had been a statement made to the effect that the board would "settle things" that perhaps it was not intended to cover. The board of reference might develop into other things; so when the treaty used the language "to stabilize conditions in the Far East," it might cause some misapprehension. He was not an expert draftsman; but he asked whether it was not possible to put the Chinese delegation in an easier position, not because they shared the view he had just suggested, but in order to make clear what was intended.

The chairman asked why the whole preamble could not be inserted, as follows:

"Desiring to provide a procedure for dealing with questions that may arise in connection with the execution of the provisions of Articles III and V of the treaty to be signed at Washington on February 6, 1922, with reference to their general policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other powers upon the basis of equality of opportunity."

The chairman asked whether the committee were ready to vote on this and added that the United States of America assented.

The other delegations, being polled, each voted in the affirmative, and the chairman announced that it had been so ordered.

The chairman said that the next subject for consideration by the committee was that which had been under discussion at the close of the session of the previous day.

Dr. Wang read the following statement:

"The Chinese delegation has taken note of the statement of Baron Shidehara made at yesterday's session of the committee with reference to the Sino-Japanese treaties and notes of May 25, 1915.

"The Chinese delegation learns with satisfaction that Japan is now ready to throw open to the joint activity of the banking interests of other powers the right of option granted exclusively in favor of Japanese capital with regard, first, to loans for the construction of railways in South Manchuria and Eastern Inner Mongolia, and second, to loans secured on taxes in that region; and that Japan has no intention of insisting upon a preferential right concerning the engagement by China of Japanese advisers or instructors on political, financial, military, or police matters in South Manchuria; also that Japan now withdraws the reservation which she made to the effect that Group V of her original demands upon China should be postponed for future negotiation.

"The Chinese delegation greatly regrets that the Government of Japan should not have been led to renounce the other claims predicated upon the treaties and notes of 1915.

"The Japanese delegation expressed the opinion that abrogation of these agreements would constitute 'an exceedingly dangerous precedent, with far-reaching consequences upon the stability of the existing international relations in Asia, in Europe, and everywhere.'

"The Chinese delegation has the honor to say that a still more dangerous precedent will be established with consequences upon the stability of international relations which can not be estimated, if, without rebuke or protest from other powers, one nation can obtain from a friendly, but in a military sense, weaker neighbor, and under circumstances such as attended the negotiation and signing of the treaties of 1915, valuable concessions which were not in satisfaction of pending controversies and for which no quid pro quo was offered. The treaties and notes stand out, indeed, unique in the annals of international relations. History records scarcely another instance in which demands of such a serious character as those which Japan presented to China in 1915 have, without even pretense of provocation, been suddenly presented by one nation to another nation with which it was at the time in friendly relations.

"No apprehension need be entertained that the abrogation of the agreements of 1915 will serve as a precedent for the annulment of other agreements, since it is confidently hoped that the future will furnish no such similar occurrence.

"So exceptional were the conditions under which the agreements of 1915 were negotiated, the Government of the United States felt justified in referring to them in the identic note of May 13, 1915, which it sent to the Chinese and Japanese Governments. That note began with the statement that 'In view of the circumstances which have taken place and which are now pending between the Government of China and the Government of Japan and of the agreements which have been reached as the result thereof, the Government of the United States has the honor to notify the Government of the Chinese Republic (Japan) that it can not recognize any agreement or undertaking which has been entered into between Governments of China and Japan impairing the treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of China, or the international policy relative to China commonly known as the open-door policy.'

"Conscious of her obligations to the other powers, the Chinese Government, immediately after signing the agreements, published a formal statement protesting against the agreements which she had been compelled to sign, and disclaiming responsibility for consequent violations of treaty rights of the other powers. In the statement thus issued, the Chinese Government declared that although they were 'constrained to comply in full with the terms of the (Japanese) ultimatum,' they nevertheless 'disclaim any desire to associate themselves with any revision which may be thus effected of the various conventions and agreements concluded between the other powers in respect of the maintenance of China's territorial independence and integrity, the preservation of the status quo, and the principle of equal opportunity for the commerce and industry of all nations in China.'

"Because of the essential injustice of these provisions, the Chinese delegation, acting in behalf of the Chinese Government and of the Chinese people, has felt itself in duty bound to present to this conference, representing the powers with substantial interests in the Far East, the question as to the equity and justice of these agreements and therefore as to their fundamental validity.

"If Japan is disposed to rely solely upon a claim as to the technical or juristic validity of the agreements of 1915 as having been actually signed in due form by the two Governments, it may be said that so far as this conference is concerned the contention is largely irrelevant, for this gathering of the representatives of the nine powers has not had for its purpose the maintenance of the legal status quo. On the contrary, the purpose has been, if possible, to bring about such changes in existing conditions upon the Pacific and in the Far East as might be expected to promote that enduring friendship among the nations of which the President of the United States spoke in his letter of invitation to the powers to participate in this conference.

"For the following reasons, therefore, the Chinese delegation is of the opinion that the Sino-Japanese treaties and exchange of notes of May 25, 1915, should form the subject of impartial examination with a view to their abrogation:

"1. In exchange for the concessions demanded of China, Japan offered no *quid pro quo*. The benefits derived from the agreements were wholly unilateral.

"2. The agreements, in important respects, are in violation of treaties between China and the other powers.

"3. The agreements are inconsistent with the principles relating to China which have been adopted by the Conference.

"4. The agreements have engendered constant misunderstandings between China and Japan, and, if not abrogated, will necessarily tend, in the future, to disturb friendly relations between the two countries, and will thus constitute an obstacle in the way of realizing the purpose for the attainment of which this Conference was convened. As to this, the Chinese Delegation, by way of conclusion, can, perhaps, do no better than quote from a Resolution introduced in the Japanese Parliament, in June, 1915, by Mr. Hara, later Premier of Japan, a Resolution which received the support of some one hundred and thirty of the members of the Parliament.

"The Resolutions reads:

"Resolved, that the negotiations carried on with China by the present Government have been inappropriate in every respect; that they are detrimental to the amicable relationship between the two countries, and provocative of suspicions on the part of the Powers; that they have the effect of lowering the prestige of the Japanese Empire; and that, while far from capable of establishing the foundation of peace in the Far East, they will form the source of future trouble."

"The foregoing declaration has been made in order that the Chinese Government may have upon record the view which it takes, and will continue to take, regarding the Sino-Japanese Treaties and Exchange of Notes of May 25, 1915."

The chairman said: "The important statement made by Baron Shidehara on behalf of the Japanese Government makes it appropri-

ate that I should refer to the position of the Government of the United States as it was set forth in identical notes addressed by that Government to the Chinese Government and to the Japanese Government on May 13, 1915.

"The note to the Chinese Government was as follows:

"In view of the circumstances of the negotiations which have taken place and which are now pending between the Government of China and the Government of Japan and of the agreements which have been reached as a result thereof, the Government of the United States has the honor to notify the Government of the Chinese Republic that it can not recognize any agreement or undertaking which has been entered into or which may be entered into between the Governments of China and Japan impairing the treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of China, or the international policy relative to China commonly known as the open-door policy.

"An identical note has been transmitted to the Imperial Japanese Government."

"That statement was in accord with the historic policy of the United States in its relation to China, and its position as thus stated has been, and still is, consistently maintained.

"It has been gratifying to learn that the matters concerning Shantung, which formed the substance of group 1 of the original demands, and were the subject of the treaty and exchange of notes with respect to the Province of Shantung, have been settled to the mutual satisfaction of the two parties by negotiations conducted collaterally with this conference, as reported to the plenary session on February 1.

"It is also gratifying to be advised by the statement made by Baron Shidehara, on behalf of the Japanese Government, that Japan is now ready to withdraw the reservation which she made, in proceeding to the signature of the treaties and notes of 1915, to the effect that group 5 of the original proposals of the Japanese Government—namely, those concerning the employment of influential Japanese as political, financial, and military advisers; land for schools and hospitals; certain railways in South China; the supply of arms, and the right of preaching—would be postponed for future negotiations. This definite withdrawal of the outstanding questions under group 5 removes what has been an occasion for considerable apprehension on the part alike of China and of foreign nations, which felt that the renewal of these demands could not but prejudice the principles of the integrity of China and of the open door.

"With respect to the treaty and the notes concerning South Manchuria and Eastern Inner Mongolia, Baron Shidehara has made the reassuring statement that Japan has no intention of insisting on a preferential right concerning the engagement by China of Japanese advisers or instructors on political, financial, military, or police matters in South Manchuria.

"Baron Shidehara has likewise indicated the readiness of Japan not to insist upon the right of option granted exclusively in favor of Japanese capital with regard, first, to loans for the construction of railways in South Manchuria and Eastern Inner Mongolia; and, second, with regard to loans secured on the taxes of those regions: but that Japan will throw them open to the joint activity of the international financial consortium recently organized.

"As to this, I may say that it is doubtless the fact that any enterprise of the character contemplated, which may be undertaken in these regions by foreign capital, would in all probability be undertaken by the consortium. But it should be observed that existing treaties would leave the opportunity for such enterprises open on terms of equality to the citizens of all nations. It can scarcely be assumed that this general right of the treaty powers in China can be effectively restricted to the nationals of those countries which are participants in the work of the consortium, or that any of the Governments which have taken part in the organization of the consortium would feel themselves to be in a position to deny all rights in the matter to any save the members of their respective national groups in that organization. I therefore trust that it is in this sense that we may properly interpret the Japanese Government's declaration of willingness to relinquish its claim under the 1915 treaties to any exclusive position with respect to railway construction and to financial operations secured upon local revenues in South Manchuria and Eastern Inner Mongolia.

"It is further to be pointed out that by Articles II, III, and IV of the treaty of May 25, 1915, with respect to South Manchuria and Eastern Inner Mongolia, the Chinese Government granted to Japanese subjects the right to lease land for building purposes, for trade and manufacture, and for agricultural purposes in South Manchuria, to reside and travel in South Manchuria, and to engage in any kind of business and manufacture there, and to enter into joint undertakings with Chinese citizens in agriculture and similar industries in Eastern Inner Mongolia.

"With respect to this grant, the Government of the United States will, of course, regard it as not intended to be exclusive, and, as in the past, will claim from the Chinese Government for American citizens the benefits accruing to them by virtue of the most-favored-nation clauses in the treaties between the United States and China.

"I may pause here to remark that the question of the validity of the treaties as between Japan and China is distinct from the question of the treaty rights of the United States under its treaties with China; these rights have been emphasized and consistently asserted by the United States.

"In this, as in all matters similarly affecting the general right of its citizens to engage in commercial and industrial enterprises in China, it has been the traditional policy of the American Government to insist upon the doctrine of equality for the nationals of all countries, and this policy, together with the other policies mentioned in the note of May 13, 1915, which I have quoted, are consistently maintained by this Government. I may say that it is with especial pleasure that the Government of the United States finds itself now engaged in the act of reaffirming and defining, and, I hope that I may add, revitalizing, by the proposed nine-power treaty, these policies with respects to China."

The chairman asked whether any further discussion of these matters was desired. There being no further discussion, the chairman said that it would be in order to propose that the statements made by Baron Shidehara, by Chief Justice Wang, and by himself should be reported to the plenary session and spread upon the records of the conference.

Mr. Koo stated that his colleagues and he himself desired to endorse the chairman's suggestion that all of the statements on this very important question should be spread upon the records of the conference, it being understood, of course, that the Chinese delegation reserved their right to seek a solution, on all future appropriate occasions, concerning those portions of the treaties and notes of 1915 which did not appear to have been expressly relinquished by the Japanese Government.

The chairman said that it was, of course, understood that the rights of all powers were reserved with respect to the matters mentioned by Mr. Koo.

The chairman asked if the committee was ready to act upon his suggestion that the statements of Baron Shidehara, of Dr. Wang, and of himself should be reported to the plenary session and spread upon the records. He added that the United States of America assented. The other delegations, being polled, each voted affirmatively, and the chairman declared that it was so ordered.

Upon the suggestion of Mr. Sze a vote was taken in regard to reporting Mr. Koo's statement to the plenary session and spreading it on the record. Each delegation voted affirmatively and the chairman announced that it was so ordered.

Mr. Sze stated that he wished to say a word or two with reference to Nos. 9 and 10 of the ten so-called Chinese proposals which he had had the honor of presenting to the conference in November; in view of the fact that Article VII of the general treaty provided for an exchange of views, he desired to withdraw Nos. 9 and 10 of the Chinese proposals, as provision had now been made which would amply cover what the Chinese delegation had had in mind when they proposed these principles for the consideration of the conference.

The chairman said that if there was no other subject which it was desired to present for discussion, he presumed there was nothing more to be done except to arrange for the proper approval of the committee's minutes. He suggested that the committee should resolve that those minutes stood approved in regard to which corrections had been notified to the secretary general by all the delegates, and that each delegation should appoint a member of the delegation, or some one in their diplomatic mission in Washington, with authority to pass upon the minutes which had not yet been written up and which stood uncorrected, so that these minutes might be passed upon and provision made for their suitable publication in permanent form. He asked if this would be agreeable to the committee upon that understanding, i. e., that each delegation, through an appointed representative, should have an opportunity to correct the minutes yet uncorrected, and that, as thus corrected, the minutes should stand approved and that the secretary general should take appropriate steps for their publication in permanent form. He added that the United States assented. The other delegations, being polled, each voted affirmatively and the chairman announced that it was so ordered.

The chairman then asked whether there was any further business before the committee. If there were not, the committee could adjourn sine die.

The chairman stated that he desired to suggest, before the departure of the delegates, that the last session should not be held the following day. On that day there would be the conclusion of all the proceedings of the conference save the signing of the treaties, and it would be expected that all speeches and statements before the conference, except one to which he was about to allude, would be made then, and the work of the conference, with a single exception, closed. However, there would be another plenary session on Monday, at which the treaties would be signed in public; and after the signing of the treaties in regular order, the President of the United States would say a closing word, give his blessing upon the labors of the conference, and express his appreciation of the cooperation of the delegates in this very important work. [Applause.] The thought was that the signing of the treaties could be had in an orderly way in public, and as soon as the signing was concluded the President would appear before the conference. The conference could then adjourn. This would be an appropriate, solemn closing. As some of the delegates wished to take a 1 o'clock train on Monday, it was planned to have the plenary session on Monday at 10 o'clock, so as to be sure to get through in time. The chairman asked that all of the delegates should send their seals at once, pursuant to a notice that had been circulated, so that between that time and Monday morning everything might be prepared for signature.

Whereupon, at 5.35 o'clock p. m. the committee adjourned sine die.

# REPORT OF THE AMERICAN DELEGATION

SUBMITTED TO THE PRESIDENT FEBRUARY 9, 1922.

## TO THE PRESIDENT:

The undersigned, appointed by the President as Commissioners to represent the Government of the United States at the Conference on Limitation of Armament, have the honor to submit the following report of the Proceedings of the Conference.

On July 8, 1921, by direction of the President, the Department of State addressed an informal inquiry to the group of Powers known as the Principal Allied and Associated Powers—that is, Great Britain, France, Italy, and Japan—to ascertain whether it would be agreeable to them to take part in a conference on the subject of limitation of armament, to be held in Washington at a time to be mutually agreed upon. In making this inquiry, it was stated to be manifest that the question of limitation of armament had a close relation to Pacific and Far Eastern problems, and the President suggested that the Powers especially interested in these problems should undertake in connection with the Conference the consideration of all matters bearing upon their solution with a view to reaching a common understanding with respect to principles and policies in the Far East. The suggestion having been favorably received, formal invitations were issued to the Powers above mentioned to participate in a Conference on Limitation of Armament to be held in Washington on the eleventh day of November, 1921, and an invitation was also extended to Belgium, China, The Netherlands, and Portugal to participate in the discussion of Pacific and Far Eastern questions in connection with the Conference.

These invitations were formally accepted and the first session of the Conference was held at Continental Hall in the City of Washington on the twelfth day of November, 1921, the time of the first session being postponed in order to permit the Delegates to attend the ceremonies upon the burial of the Unknown Soldier at Arlington Cemetery on November eleventh.

The following Delegates attended the Conference:

### FOR THE UNITED STATES OF AMERICA:

Charles Evans Hughes  
Henry Cabot Lodge.  
Oscar W. Underwood.  
Elihu Root.



**FOR BELGIUM:**

Baron de Cartier, Belgian Ambassador to the United States.

**FOR THE BRITISH EMPIRE:**

The Right Honorable A. J. Balfour, O. M., M. P., Lord President of the Council.

The Right Honorable Lord Lee of Fareham, G. B. E., K. C. B., First Lord of the Admiralty.

The Right Honorable Sir Auckland Geddes, K. C. B., British Ambassador.

*Canada—*

The Right Honorable Sir Robert Borden, G. C. M. G., K. C.

*Australia—*

Senator the Right Honorable G. F. Pearce, Australian Minister for Defense.

*New Zealand—*

The Honorable Sir John Salmond, Judge of the Supreme Court of New Zealand.

*India—*

The Right Honorable Srinivasa Sastri, member of the Indian Council of State.

**FOR CHINA:**

Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary to United States of America.

Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary to the Court of St. James.

Mr. Chung-Hui Wang, Chief Justice of the Supreme Court of the Republic of China.

**FOR FRANCE:**

M. Aristide Briand, President of the Council, Minister for Foreign Affairs.

M. René Viviani, Deputy, Former President of the Council.

M. Albert Sarraut, Senator, Minister of Colonies.

M. Jules Jusserand, Ambassador of France to the United States.

**FOR ITALY:**

Signor Carlo Schanzer, Senator.

Signor Vittorio Rolandi-Ricci, Senator, Italian Ambassador to the United States.

Signor Luigi Albertini, Senator.

**FOR JAPAN:**

Baron Tomasaburo Kato, Minister of Navy.

Baron Kijuro Shidehara, Ambassador at Washington.

Prince Iyesato Tokugawa, President of House of Peers.

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs.

**FOR THE NETHERLANDS:**

Jonkheer H. A. van Karnebeek, Minister for Foreign Affairs.  
 Jonkheer F. Beelaerts van Blokland, Envoy Extraordinary  
 and Minister Plenipotentiary, Chief of the Political Division  
 of the Ministry for Foreign Affairs.

Dr. E. Moresco, Vice President of the Council of the Netherlands East Indies.

Dr. J. C. A. Everwijn, Netherlands Minister to the United States.

Jonkheer W. H. de Beaufort, Minister Plenipotentiary.

**FOR PORTUGAL:**

Viscount d'Alte, Portuguese Minister to the United States.

Captain E. de Vasconcellos.

**American Advisory Committee.**

The President appointed an Advisory Committee of Twenty-One, with the following members: Honorable George Sutherland, Chairman; Mr. Charles S. Barrett; Mrs. Charles Sumner Bird; Mrs. Katherine Phillips Edson; Mrs. Eleanor Franklin Egan; Honorable Henry P. Fletcher, Under Secretary of State; Mr. Samuel Gompers; Honorable Herbert C. Hoover, Secretary of Commerce; Mr. John L. Lewis; Honorable John M. Parker, Governor of Louisiana; General John J. Pershing, U. S. A.; Honorable Stephen G. Porter, Member of Congress; Rear Admiral W. L. Rodgers, U. S. N.; Honorable Theodore Roosevelt, Assistant Secretary of the Navy; Honorable Willard Saulsbury; Mr. Harold M. Sewall; Mr. Walter George Smith; Mr. Carmi A. Thompson; Mr. William Boyce Thompson; Honorable J. Mayhew Wainwright, Assistant Secretary of War; Mrs. Thomas G. Winter.

The Advisory Committee made careful studies of all the problems before the Conference, and their reports and advice were of the greatest value.

The Secretariat of the American Delegation was composed as follows: Mr. Basil Miles, Secretary of the Delegation; Mr. Irwin Laughlin, Counselor of Embassy, Secretary; Mr. J. Butler Wright, Counselor of Embassy, Secretary; Mr. Edward Bell, Counselor of Embassy, Secretary; Mr. Philip H. Patchin, Department of State, Secretary; Mr. Henry Suydam, Department of State, Secretary; Mr. F. L. Mayer, First Secretary of Embassy, Secretary; Mr. Tracy Lay, Consul, Secretary; Mr. W. L. Hurley, Department of State, Secretary; Mr. Stanley Washburn, Secretary; Mr. Laurence H. Green, Assistant Secretary; Mr. W. H. Beck, Assistant Secretary; Mr. T. L. Daniels, Third Secretary of Embassy, Assistant Secretary; Mr. Jefferson Patterson, Third Secretary of Embassy, Assistant Sec-

retary; Mr. Stanley Hawks, Assistant Secretary; M. J. O. Denby, Third Secretary of Embassy, Assistant Secretary; Mr. John M. Vorys, Assistant Secretary.

*Ceremonial, Protocol, Etc.*—Honorable Robert Woods Bliss, Third Assistant Secretary of State; Mr. Warren D. Robbins, Counselor of Embassy; Mr. Charles Lee Cooke, Department of State; Mr. Richard Southgate, Second Secretary of Embassy; Mr. Hugh Millard, Third Secretary of Embassy.

*Technical staff.*—Limitation of Armament. For the Department of State: Honorable Henry P. Fletcher, Under Secretary of State; Mr. J. Reuben Clark, Special Counsel to the Department of State. For the War Department: Major General George O. Squier, Radio and Electrical Communications generally; Major General C. C. Williams, Chief of Ordnance; Major General M. M. Patrick, Chief of Air Service; Brigadier General William Mitchell, Aviation; Brigadier General Amos A. Fries, Chemical Warfare; Colonel John A. McA. Palmer, Organization and General Military Subjects; Colonel B. H. Wells, Organization and General Military Subjects; Lieutenant Colonel Stuart Heintzelman, Military Intelligence and Organization of Foreign Armies; Dr. Louis Cohen, Civilian Radio Engineer, Signal Corps. For the Navy Department: Honorable Theodore Roosevelt, Assistant Secretary of the Navy; Admiral Robert E. Coontz, Technical Expert-General; Rear Admiral William A. Moffett, Aeronautics; Rear Admiral William V. Pratt, Technical Expert-General; Captain Frank H. Schofield, Technical Expert-General; Captain Luke McNamee, Technical Expert-General; Captain Samuel W. Bryant, Communications; Commander C. Hooper, Radio; Mr. L. W. Austin, Radio, Chemical Warfare; Professor Tdgar F. Smith, University of Pennsylvania.

*Pacific and Far Eastern questions.*—Mr. John Van A. MacMurray, Chief, Division of Far Eastern Affairs, Department of State; Mr. D. C. Poole, Chief, Division of Russian Affairs; Professor E. T. Williams, formerly Chief of Far Eastern Division, Department of State; Mr. Edward Bell, Counselor of Embassy; Mr. F. P. Lockhart, Department of State; Mr. J. S. Abbott, Department of Commerce; Mr. N. T. Johnson, Department of State; Mr. E. L. Neville, Department of State; Professor G. H. Blakeslee, Clark University; Mr. Stanley K. Hornbeck, Department of State; Mr. J. P. Jameson, Department of State; Mr. Robert F. Leonard, Department of State; Mr. F. L. Mayer, Department of State; Mr. J. O. Denby, Department of State; Mr. J. L. Donaldson, Department of State.

*Legal questions.*—Mr. F. K. Nielsen, Solicitor of the Department of State; Mr. Chandler P. Anderson, formerly Counselor, Department of State; Professor George G. Wilson; Dr. James Brown Scott.

*Economic questions and merchant marine.*—Dr. W. S. Culbertson, Commissioner, United States Tariff Commission; Daniel H. Cox, United States Shipping Board.

*Communications.*—Mr. Leland Harrison, Counselor of Embassy; Mr. S. W. Stratton, Department of Commerce; Mr. J. H. Dellinger, Department of Commerce; Mr. Walter S. Rogers, Department of State; and Army and Navy officers.

The proceedings of the Conference were opened with prayer by Reverend William S. Abernethy, D. D., of the Calvary Baptist Church of Washington.

The President then delivered an address, expressing in these memorable words the spirit and purpose of the Government of the United States:

“Gentlemen of the Conference, the United States welcomes you with unselfish hands. We harbor no fears; we have no sordid ends to serve; we suspect no enemy; we contemplate or apprehend no conquest. Content with what we have, we seek nothing which is another’s. We only wish to do with you that finer, nobler thing which no nation can do alone.

“We wish to sit with you at the table of international understanding and good will. In good conscience we are eager to meet you frankly, and invite and offer cooperation. The world demands a sober contemplation of the existing order and the realization that there can be no cure without sacrifice, not by one of us, but by all of us.

“I do not mean surrendered rights, or narrowed freedom, or denied aspirations, or ignored national necessities. Our Republic would no more ask for these than it would give. No pride need be humbled, no nationality submerged, but I would have a merging of minds committing all of us to less preparation for war and more enjoyment of fortunate peace.

“The higher hopes come of the spirit of our coming together. It is but just to recognize varying needs and peculiar positions. Nothing can be accomplished in disregard of national apprehensions. Rather, we should act together to remove the causes of apprehensions. This is not to be done in intrigue. Greater assurance is found in the exchanges of simple honesty and directness, among men resolved to accomplish as becomes leaders among nations, when civilization itself has come to its crucial test.

“It is not to be challenged that government fails when the excess of its cost robs the people of the way to happiness and the opportunity to achieve. If the finer sentiments were not urging.

the cold, hard facts of excessive cost and the eloquence of economics would urge us to reduce our armaments. If the concept of a better order does not appeal, then let us ponder the burden and the blight of continued competition.

"It is not to be denied that the world has swung along throughout the ages without heeding this call from the kindlier hearts of men. But the same world never before was so tragically brought to realization of the utter futility of passion's sway when reason and conscience and fellowship point a nobler way.

"I can speak officially only for our United States. Our hundred millions frankly want less of armament and none of war. Wholly free from guile, sure in our own minds that we harbor no unworthy designs, we accredit the world with the same good intent. So I welcome you, not alone in good will and high purpose, but with high faith.

"We are met for a service to mankind. In all simplicity, in all honesty and all honor, there may be written here the avowals of a world conscience refined by the consuming fires of war, and made more sensitive by the anxious aftermath. I hope for that understanding which will emphasize the guaranties of peace, and for commitments to less burdens and a better order which will tranquilize the world. In such an accomplishment there will be added glory to your flags and ours, and the rejoicing of mankind will make the transcending music of all succeeding time."

### **Organization and Procedure.**

Following the address of the President, the Conference, on motion of Mr. Balfour, elected the Secretary of State of the United States as Chairman of the Conference and of each committee of which he should be a member.

The Honorable John W. Garrett, of Baltimore, Maryland, was elected Secretary-General.

A committee on Program and Procedure was appointed, consisting of heads of the Delegations or such representative as each Power might select for the purpose.

As the Conference was to concern itself with two groups of questions which, though related, required separate investigation and discussion, that is, (1) the question of limitation of armament, and (2) Pacific and Far Eastern questions, it became necessary to provide a course of procedure which would facilitate the work of the Conference in both fields. In the public discussions which preceded the Conference there were apparently two competing views: (1) that the consideration of armament should await the result of the discussion of the Far Eastern questions, and another, that the latter discussion should be postponed until an agreement for limitation of armament had been reached. It was not thought necessary to adopt

either of these extreme views. It was proposed that the Conference should proceed at once to consider the question of the limitation of armament, but this was not deemed to require the postponement of the examination of Far Eastern questions. In order to serve both purposes, two committees were set up (1) consisting of the plenipotentiary delegates of the Five Powers, the United States of America, the British Empire, France, Italy, and Japan, to deal with questions of armament, and (2) consisting of the delegates of the Nine Powers, that is, the United States of America, Belgium, British Empire, China, France, Italy, Japan, The Netherlands, and Portugal, to deal with Pacific and Far Eastern questions.

The work of the two committees proceeded along parallel lines without interference with each other and the conclusions reached in each were reported, from time to time, to the Conference in plenary session for its adoption. Each committee provided itself with the necessary sub-committees dealing with technical questions and with drafting, so that in the most expeditious manner all questions before the Conference were thoroughly considered.

The Conference held seven plenary or public sessions, at the last of which, on February 6, 1922, the treaties approved by the Conference were signed.

While the sessions of the committees were not public, a complete record was kept of all their proceedings, and at the close of each session of the Committees on Armament and on Pacific and Far Eastern Questions, respectively, a communiqué was made to the Press, which, generally, stated all that had taken place in the committee and, in all cases, set forth whatever matters of importance had received attention.

Thus, full publicity was given to the proceedings of the Conference. The minutes of the plenary sessions and of the committees of the Conference are submitted herewith.

### **The Agenda.**

In advance of the meeting of the Conference the Department of State prepared a tentative statement of agenda which was submitted to the invited Powers. It was as follows:

#### **Limitation of Armament.**

One. Limitation of Naval Armament, under which shall be discussed

- (a) Basis of limitation.
- (b) Extent.
- (c) Fulfillment.

Two. Rules for control of new agencies of warfare.

Three. Limitation of Land Armament.

### Pacific and Far Eastern Questions.

One. Questions relating to China.

First: Principles to be applied.

Second: Application.

- Subjects: (a) Territorial integrity.  
 (b) Administrative integrity.  
 (c) Open door—Equality of commercial and industrial opportunity.  
 (d) Concessions, monopolies, or preferential economic privileges.  
 (e) Development of railways, including plans relating to Chinese Eastern Railway.  
 (f) Preferential railroad rates.  
 (g) Status of existing commitments.

Two. Siberia.  
 (similar headings).

Three. Mandated Islands.

(unless questions earlier settled).

Electrical Communications in the Pacific.

While this statement was not formally adopted by the Conference, the proceedings of the Conference followed closely the lines thus indicated.

### Treaties and Resolutions.

The following treaties were approved by the Conference and signed at the closing session on February 6, 1922:

- (1) A treaty between the United States of America, the British Empire, France, Italy, and Japan, limiting naval armament.
- (2) A treaty between the same Powers, in relation to the use of submarines and noxious gases in warfare.
- (3) A treaty between all Nine Powers relating to principles and policies to be followed in matters concerning China.
- (4) A treaty between the Nine Powers relating to Chinese customs tariff.

The following treaties were notified to the Conference:

- (1) A treaty between the United States of America, the British Empire, France, and Japan, signed December 13, 1921, relating to their insular possessions and insular dominions in the Pacific Ocean.
- (2) A treaty between the same Powers, supplementary to the above, signed February 6, 1922.
- (3) A treaty between China and Japan, signed February 4, 1922, providing for the restoration to China of rights and interests in the Province of Shantung.

In addition, while the Conference was in session, the Government of the United States and the Government of Japan reached an agreement in relation to the Island of Yap and the mandated islands in the Pacific Ocean, north of the Equator, which is to be embodied in a formal Convention.

In other matters, not requiring treaty form, the conclusions and agreements of the Conference are embodied in a series of Resolutions, which are described below.

For convenience, these Treaties and Resolutions are set forth in an Appendix.

The proceedings of the Conference and the substance of the agreements to which reference has been made may be appropriately considered in the two main divisions already noted.



## FIRST.

### LIMITATION OF ARMAMENT.

It was recognized at the outset that it would be difficult, if not impossible, to provide at this Conference for the limitation of land forces.

So far as the army of the United States is concerned, there was no question presented. It has always been the policy of the United States to have the regular military establishment upon the smallest possible basis. At the time of the Armistice, there were in the field and in training in the American Army upwards of 4,000,000 men. At once, upon the signing of the Armistice, demobilization began and it was practically completed in the course of the following year, and to-day our regular establishment numbers less than 160,000 men. The British Empire has also reduced its land forces to a minimum. The situation on the Continent was vividly depicted in an eloquent address by M. Briand, speaking for the Government of France in which he stated his conclusions as follows:

"The thought of reducing the armaments, which was the noble purpose of this Conference, is not one from which we would feel disinterested from the point of view of land armaments. We have shown that already. Immediately after the armistice demobilization began, and demobilization began as rapidly and as completely as possible. According to the military laws of France there are to be three classes of men; that is, three generations of young men under the flag. That law is still extant: that law is still valid. It has not been abrogated yet, and the Government has taken the responsibility to reduce to two years the time spent under the flag, and instead of three classes—three generations of young men—we have only two that are doing military service. It is therefore an immediate reduction by one-third that has already taken place in the effectives—and I am speaking of the normal effectives of the metropolis, leaving aside troops needed for colonial occupation or the obligation imposed by the treaty in Rhineland or countries under plebiscite. We did not think that endeavor was sufficient, and in the future we have plans in order to further restrict the extent of our army. In a few days it is certain that the proposals of the Government will be passed in the Chamber, and in order to further reduce the military service by half. That is to say, there will be only one class and a half actually serving. The metropolitan French

army would be therefore reduced by half, but if anybody asks us to go further, to consent to other reductions, I should have to answer clearly and definitely that it would be impossible for us to do it without exposing ourselves to a most serious danger.

"You might possibly come and tell us 'This danger that you are exposed to, we see it, we realize it, and we are going to share it with you. We are going to offer you all means—put all means at your disposal in order to secure your safety.' Immediately, if we heard those words, of course we would strike upon another plan. We should be only too pleased to demonstrate the sincerity of our purpose. But we understand the difficulties and the necessities of the statesmen of other countries. We understand the position of other peoples who have also to face difficult and troublous situations. We are not selfish enough to ask other people to give a part of their sovereign national independence in order to turn it to our benefit and come to our help. We do not expect it; but here I am appealing to your consciences, if France is to remain alone, facing the situation such as I have described, and without any exaggeration—you must not deny her what she wants in order to insure her security. You must let her do what she has to do, if need arise and if the time comes."

\* \* \* \* \*

"If by direction given to the labors of the Conference, it were possible somewhere over there in Europe—if it were possible to say that the outcome of this Conference is indirect blame and opprobrium cast upon France—if it was possible to point out France as the only country in the world that is still imperialistic, as the only country that opposes final disarmament, then, gentlemen, indeed this Conference would have dealt us a severe blow; but I am quite sure that nothing is further from your minds and from your intentions. If after listening to this argument, after weighing the reasons which you have just heard, you consider it then as valid, then, gentlemen, you will still be with us and you will agree with me in saying that France can not possibly do anything but what she has actually done."

Senator Schanzer described the Italian situation as follows:

"It is far from my mind to discuss what France considers indispensable for her national safety. That safety is as dear to us as it may be to them, and we are still morally by the side of our allies of yesterday and our friends of to-day.

"I wanted to say this. Only may I be allowed to express the wish and the hope that the general limitation of land armament may become a reality within the shortest possible space of time. Italy has fought the war for the highest aims which a country can seek, but Italy is in her soul a peace loving nation. I shall not repeat what I had the honor to state at the first meeting of the Conference, but I should like to emphasize again that Italy is one of the surest factors of the world's peace, that she has no reason whatsoever of conflict with any other country, that she is following and putting constantly into action a policy inspired by the principle of maintaining peace among all nations.

"Italy has succeeded in coming to a direct understanding with the Serb, Croat, and Slovene people and in order to attain such an end had made considerable sacrifices for the interest of the peace of Europe. Italy has pursued toward the successor countries to her former enemies a policy not only of pacification, but of assistance. And when a conflict arose between Austria and Hungary, a conflict which might have dragged into war the Danubian peoples, has offered to the two countries in conflict her friendly help in order to settle the dispute. Italy has succeeded and in so doing has actively contributed to the peace of Europe.

"Moreover, Italy has acted similarly within her own frontiers and has reduced her armed forces in the largest possible measure. She has considerably curtailed her navy expenditures in comparison to the pre-war time. The total amount of her armed forces does not exceed 200,000 men and a further reduction to 175,000 men is already planned, and 35,000 colored troops.

"Our ordinary war budget for the present financial year amounts to \$52,000,000, including \$11,000,000 expenses for police forces; the extraordinary part of the war budget, representing expenses dependent for the liquidation of the war, expenses therefore of a purely transitory character, amounts to \$62,000,000.

"However, although we have all reduced our armaments to the greatest possible extent, we consider it necessary, for a complete solution of the problem of limitation of armaments in Europe, to take into consideration the armaments of the countries either created or transformed as a result of the war. The problem is not a simple one. It must be considered as a whole. It is a serious and urgent problem, for which a solution at no far distant day is necessary."

Baron Kato spoke as follows:

"I would like to say this morning just a few words on land armament limitation. Japan is quite ready to announce her hearty approval of the principle which aims to relieve a people of heavy burdens by limiting land armaments to those which are necessary for national security and the maintenance of order within the territory.

"The size of the land armaments of each state should be determined by its peculiar geographical situation and other circumstances, and these basic factors are so divergent and complicated that an effort to draw final comparisons is hardly possible. If I may venture to say it, it is not an easy task to lay down a general scheme for the limitation of land armaments, as in the case of limitation of naval armaments. Nevertheless, Japan has not the slightest intention of maintaining land armaments which are in excess of those which are absolutely necessary for purely defensive purposes, necessitated by the Far Eastern situation."

Further consideration made it quite clear that no agreement for the limitation of land forces could be had at this time.

### **Limitation of Naval Armament.**

A different condition existed in relation to naval armament. It was believed by the Government of the United States that an agreement providing for a sweeping reduction and for an effective limitation for the future was entirely feasible. It was pointed out, after considering the failure of earlier endeavors for limitation of armaments that the Powers could no longer content themselves with investigations, with statistics, with reports, with the circumlocution of inquiry; that the time had come, and the Conference had been called, not for general resolutions or mutual advice, but for action.

The following general considerations were deemed to be pertinent.

"The first is that the core of the difficulty is to be found in the competition in naval programs, and that, in order appropriately to limit naval armament, competition in its production must be abandoned. Competition will not be remedied by resolves with respect to the method of its continuance. One program inevitably leads to another, and if competition continues its regulation is impracticable. There is only one adequate way out and that is to end it now.

"It is apparent that this can not be accomplished without serious sacrifices. Enormous sums have been expended upon ships under construction and building programs which are now under way can not be given up without heavy loss. Yet if the present construction of capital ships goes forward other ships will inevitably be built to rival them, and this will lead to still others. Thus the race will continue so long as ability to continue lasts. The effort to escape sacrifices is futile. We must face them or yield our purpose.

"It is also clear that no one of the naval Powers should be expected to make these sacrifices alone. The only hope of limitation of naval armament is by agreement among the nations concerned, and this agreement should be entirely fair and reasonable in the extent of the sacrifices required of each of the Powers. In considering the basis of such an agreement, and the commensurate sacrifices to be required, it is necessary to have regard to the existing naval strength of the great naval Powers, including the extent of construction already effected in the case of ships in process. This follows from the fact that one nation is as free to compete as another, and each may find grounds for its action. What one may do another may demand the opportunity to rival, and we remain in the thrall of competitive effort."

But it was necessary to go beyond general observations. It was apparent that, in this field of opportunity, it was essential that the American Government, as the convener of the Conference, should be prepared with a definite and practicable plan. After the most careful consideration and detailed examination of the problem, with the aid of the experts of the American Navy, a plan was prepared and, under instructions of the President, was presented to the Conference by the American Delegation.

### The American Plan.

It was clear at the outset, and the negotiations during the Conference put it beyond doubt, that no agreement for the limitation of naval armament could be effected which did not embrace the navies of France and Italy. At the same time, it was recognized that neither of these nations, in view of the extraordinary conditions due to the World War, affecting their existing naval strength, could be expected to make the sacrifices which necessarily would lie at the basis of an agreement for limitation. These sacrifices could, however, be reasonably expected of the United States, the British Empire, and Japan, and these were the Powers then actually engaged in the competitive building of warships. The American plan, therefore, temporarily postponed the consideration of the navies of France and Italy and definitely proposed a program of limitation for the United States, British Empire, and Japan. The proposal was one of renunciation of building programs, of scrapping of existing ships, and of establishing an agreed ratio of naval strength. It was a proposal of sacrifices, and the American Government, in making the proposal, at once stated the sacrifices which it was ready to make and upon the basis of which alone it asked commensurate sacrifices from others.

The American plan rested upon the application of these four general principles:

- "(1) That all capital-shipbuilding programs, either actual or projected, should be abandoned;
- "(2) That further reduction should be made through the scrapping of certain of the older ships;
- "(3) That in general regard should be had to the existing naval strength of the Powers concerned;
- "(4) That the capital ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed."

More specifically, the plan in relation to capital ships was as follows:

#### "CAPITAL SHIPS.

##### "*United States:*

"The United States is now completing its program of 1916 calling for 10 new battleships and 6 battle cruisers. One battleship has been completed. The others are in various stages of construction; in some cases from 60 to over 80 per cent of the construction has been done. On these 15 capital ships now being built over \$330,000,000 have been spent. Still, the United States is willing in the interest of an immediate limitation of naval armament to scrap all these ships.

"The United States proposes, if this plan is accepted—

"(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in course of building, and 2 battleships launched.

"The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

"(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. Their total tonnage is 227,740 tons.

"Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons.

" *Great Britain:*

"The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

"It is proposed that Great Britain—

"(1) Shall stop further construction of the four new *Hoods*, the new capital ships not laid down but upon which money has been spent. These 4 ships, if completed, would have tonnage displacement of 172,000 tons.

"(2) Shall, in addition, scrap her predreadnaughts, second-line battleships, and first-line battleships up to, but not including, the *King George V* class.

"These, with certain predreadnaughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

"The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the 4 *Hoods*, if completed) would be 583,375 tons.

" *Japan:*

"It is proposed that Japan—

"(1) Shall abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, *No. 7*, and *No. 8* battleships, and *Nos. 5, 6, 7, and 8*, battle cruisers.

"It should be observed that this does not involve the stopping of construction, as the construction of none of these ships has been begun.

"(2) Shall scrap 3 capital ships (the *Mutsu* launched, the *Tosa* and *Kago* in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao* not yet laid down, but for which certain material has been assembled).

"The total number of new capital ships to be scrapped under this paragraph is seven. The total tonnage of these new capital ships when completed would be 289,100 tons.

"(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

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"The total reduction of tonnage on vessels existing, laid down, or for which material has been assembled (taking the tonnage of the new ships when completed), would be 448,928 tons.

"Thus, under this plan there would be immediately destroyed, of the navies of the three Powers, 66 capital fighting ships, built and building, with a total tonnage of 1,878,043.

"It is proposed that it should be agreed by the United States, Great Britain, and Japan that their navies, with respect to capital ships, within three months after the making of the agreement, shall consist of certain ships designated in the proposal and numbering for the United States 18, for Great Britain 22, for Japan 10.

"The tonnage of these ships would be as follows: Of the United States, 500,650; of Great Britain, 604,450; of Japan, 299,700. In reaching this result, the age factor in the case of the respective navies has received appropriate consideration.

"Replacement:

"With respect to replacement, the United States proposes:

"(1) That it be agreed that the first replacement tonnage shall not be laid down until 10 years from the date of the agreement;

"(2) That replacement be limited by an agreed maximum of capital ship tonnage as follows:

	Tons.
For the United States.....	500,000
For Great Britain.....	500,000
For Japan.....	300,000

"(3) That subject to the 10-year limitation above fixed and the maximum standard, capital ships may be replaced when they are 20 years old by new capital ship construction;

"(4) That no capital ship shall be built in replacement with a tonnage displacement of more than 35,000 tons."

This proposal was presented on behalf of the American Delegation at the first session of the Conference, and at once evoked from the other delegates expressions of assent in principle. The question of a definite agreement, however, presented many difficulties requiring protracted negotiations, in which a conclusion was not finally reached until January 31, 1922, when the draft of the proposed Naval Treaty was adopted in the Committee on Limitation of Armament.

### Capital Ship Ratio.

It was obvious that no agreement for limitation was possible if the three Powers were not content to take as a basis their actual existing naval strength. General considerations of national need, aspirations and expectations, policy and program, could be brought forward by each Power in justification of some hypothetical relation of naval strength with no result but profitless and interminable discussion. The solution was to take what the Powers actually had, as

it was manifest that neither could better its relative position unless it won in the race which it was the object of the Conference to end. It was impossible to terminate competition in naval armament if the Powers were to condition their agreement upon the advantages they hoped to gain in the competition itself. Accordingly, when the argument was presented by Japan that a better ratio—that is, one more favorable to Japan than that assigned by the American plan, should be adopted and emphasis was placed upon the asserted needs of Japan, the answer was made that if Japan was entitled to a better ratio upon the basis of actual existing naval strength, it should be, but otherwise it could not be, accepted. The American plan fixed the ratio between the United States, the British Empire, and Japan as 5-5-3 or 10-10-6; Great Britain at once agreed, but the Japanese Government desired a ratio of 10-10-7.

There was general agreement that the American rule for determining existing naval strength was correct, that is, that it should be determined according to capital ship tonnage. There was, however, a further question and that was as to what should be embraced for that purpose within the capital ship tonnage of each nation. It was the position of the American Government that paper programs should not be counted, but only ships laid down or upon which money had been spent. It was also the position of the American Government that ships in course of construction should be counted to the extent to which construction had already progressed at the time of the convening of the Conference. The latter position was strongly contested by Japan upon the ground that a ship was not a ship unless it was completed and ready to fight. It was pointed out, however, that in case of an emergency a warship which was 90 per cent completed was to that extent ready and that only the remaining 10 per cent of construction was necessary; and, similarly, in the case of a ship 70 per cent or 50 per cent or other per cent completed the work done was so much of naval strength in hand. It was also pointed out that it did not follow that because a ship had been completed that it was ready for action; it might be out of repair; its engines, boilers, apparatus, armament, might need replacement. It was idle to attempt to determine naval strength on supposed readiness for action at a given day. Objections could be made to any standard of measurement, but the most practicable standard was to take the existing capital ship tonnage, including the percentage of construction already effected in the case of ships which were being built. It was added that the American Government, while ready to sacrifice, in accordance with the terms of its proposal, its battleships and battle cruisers in course of construction, was not willing to ignore the percentage of naval strength represented by over \$300,000,000 expended on the unfinished ships.

The American Government submitted to the British and Japanese naval experts its records with respect to the extent of the work which had been done on the ships under construction, and the negotiations resulted in an acceptance by both Great Britain and Japan of the ratio which the American Government had proposed.

### **Fortifications in the Pacific.**

Before assenting to this ratio the Japanese Government desired assurances with regard to the increase of fortifications and naval bases in the Pacific Ocean. It was insisted that while the capital ship ratio proposed by the American Government might be acceptable under existing conditions, it could not be regarded as acceptable by the Japanese Government if the Government of the United States should fortify or establish additional naval bases in the Pacific Ocean.

The American Government took the position that it could not entertain any question as to the fortifications of its own coasts or of the Hawaiian Islands, with respect to which it must remain entirely unrestricted. Despite the fact that the American Government did not entertain any aggressive purpose whatever, it was recognized that the fortification of other insular possessions in the Pacific might be regarded from the Japanese standpoint as creating a new naval situation, and as constituting a menace to Japan, and hence the American Delegation expressed itself as willing to maintain the *status quo* as to fortifications and naval bases in its insular possessions in the Pacific, except as above stated, if Japan and the British Empire would do the like. It was recognized that no limitation should be made with respect to the main islands of Japan or Australia and New Zealand, with their adjacent islands, any more than with respect to the insular possessions adjacent to the coast of the United States, including Alaska and the Panama Canal Zone, or the Hawaiian Islands. The case of the Aleutian Islands, stretching out toward Japan, was a special one and had its counterpart in that of the Kurile Islands belonging to Japan and reaching out to the northeast toward the Aleutians. It was finally agreed that the *status quo* should be maintained as to both these groups.

After prolonged negotiations, the three Powers—the United States, the British Empire and Japan—made an agreement that the *status quo* at the time of the signing of the Naval Treaty, with regard to fortifications and naval bases, should be maintained in their respective territories and possessions, which were specified as follows (Naval Treaty, Article XIX):

“(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska and the

Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands;

"(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its Territories, and (c) New Zealand;

"(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: The Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire."

The same article of the treaty also contains the following provision with respect to the meaning of the maintenance of the *status quo*:

"The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace."

### **The Case of the Mutsu.**

Among the ships which the American Government proposed should be scrapped by Japan was the *Mutsu*. It was the understanding of the American Government that this ship was still incomplete at the time of the meeting of the Conference, although it was nearly completed, that is, to the extent of about 98 per cent. It was proposed to be scrapped as all other ships which were in course of construction; thus the Government of the United States included among its own ships which were to be scrapped two ships which were about 90 per cent completed.

The Japanese Delegation, however, insisted that the *Mutsu* had actually been finished, was commissioned and fully manned before the Conference met. Apart from this point, this latest accession to the Japanese Navy was the especial pride of the Japanese people. It was their finest war vessel and, it is understood, had been built, in part at least, through popular subscriptions and in circumstances evoking patriotic pride in the highest degree.

It was deemed by the Japanese Delegation to be quite impossible to induce the consent of their Government to any proposal of limitation which would involve the scrapping of the *Mutsu*. Its retention, however, created serious difficulties because of the disproportion

tion of advantage that would accrue to Japan through the possession of such a ship. Japan offered to scrap the *Settsu*, one of the older ships that was to have been retained by Japan under the American plan, and also recognized that the gain to Japan through the *Mutsu* should be offset by the completion on the part of the United States of two of her battleships under construction and by the construction on the part of Great Britain of two new ships.

It was accordingly agreed that the Government of the United States should finish two ships of the *West Virginia* class, that were under construction, and on their completion should scrap the *North Dakota* and the *Delaware*, which under the original plan were to have been retained. Great Britain, on her part, was to be permitted to build two new ships, and upon their completion was to scrap four (4) of the older ships which would otherwise have been retained. In this way the balance of the three navies was kept. Nor was there any serious change in the final agreement establishing the maximum limits of the capital ship replacement tonnage. The original American plan had called for the following:

United States, 500,000 tons,  
 British Empire, 500,000 tons,  
 Japan, 300,000 tons.  
 The plan as modified became:  
 United States, 525,000 tons,  
 British Empire, 525,000 tons,  
 Japan, 315,000 tons,

Thus maintaining the ratio of 5-5-3.

An important concession was made by Great Britain with respect to the two new ships which she was permitted to build. Great Britain, as stated in the American proposal, had already planned four (4) new Hoods. These ships had been designed and considerable time would have been saved in proceeding to build the two new ships according to the existing plans, but the new ships were designed greatly to exceed in tonnage any existing ship; their tonnage displacement, it is understood, was to be about 49,000 tons. Great Britain agreed not only to abandon her program for the four (4) new Hoods, but in building the two new ships that they should not exceed 35,000 tons standard displacement, respectively.

Thus, with respect to capital ships, the United States, the British Empire, and Japan were able to reach an agreement, but this was tentative and depended upon a suitable agreement being reached with France and Italy.

### **France and Italy.**

The scheme of reduction accepted by the United States, Great Britain, and Japan involved the scrapping of capital ships to the extent of approximately 40 per cent of the existing strength. It was realized that no such reduction could be asked of either France or Italy and that the case of their navies required special consideration.

France had seven (7) dreadnaughts with a tonnage of 164,500 tons, and three (3) predreadnaughts, making a total of about 221,000 tons. In the case of the United States, Great Britain, and Japan it was provided that their predreadnaughts should be scrapped without any provision for replacement, and there was to be, in addition, a reduction of about 40 per cent of the naval strength represented by dreadnaughts and superdreadnaughts. Reducing in the same proportion as the United States has reduced, France's tonnage of capital ships would be fixed at 102,000 tons, or, if the predreadnaughts of France were taken into the calculation on her side although omitted on the side of the United States, the total tonnage of France's capital ships being taken at 221,000 tons, a reduction on the same basis would leave France with only 136,000 tons. This was deemed to be impracticable. It was thought entirely fair, however, that France, in the replacement schedule, should be allowed a maximum tonnage equivalent to the existing tonnage of her seven (7) dreadnaughts with a slight increase, that is, that the maximum limit of capital ships, for the purpose of replacement, should be fixed at 175,000 tons.

Italy sought parity with France, and this principle having been accepted in the course of the discussion, it was likewise proposed that Italy should be allowed 175,000 tons of capital ships in replacement. The present tonnage of Italy is about 182,800 tons. The proposed maximum limit of 175,000 tons was at once accepted by Italy.

France expressed the desire to be allowed 10 capital ships, which, at a tonnage of 35,000 tons each, would have given her 350,000 tons. This was deemed to be excessive as a part of a plan for the limitation of armament, and, had it been insisted upon, would probably have made impossible an agreement for an effective limitation of capital ship tonnage. But, after discussion, France consented to the maximum limit of 175,000 tons for capital ships.

### **Auxiliary Craft.**

In the original American proposal it was stated that the allowance of auxiliary combatant craft to each Power should be in proportion to the capital ship tonnage. The proposal for the three Powers—the United States, Great Britain, and Japan—was that the

total tonnage of cruisers, flotilla leaders, and destroyers allowed each Power should be as follows:

United States, 450,000 tons.

Great Britain, 450,000 tons.

Japan, 270,000 tons.

And that the total tonnage of submarines allowed each of these Powers should be:

United States, 90,000 tons.

Great Britain, 90,000 tons.

Japan, 54,000 tons.

In the same proportion as the capital ship tonnage, this would have left for France and Italy, in the case of cruisers, flotilla leaders, and destroyers, a maximum of 150,000 tons for each of these Powers; and, in the case of submarines, a maximum of 30,000 tons each.

The American Delegation felt that the original proposal for submarines was too high, and, aided by the advice of our naval experts, proposed that the maximum limit for the United States and Great Britain in submarine tonnage should be 60,000 tons each; and that France, Japan and Italy should retain the tonnage in submarines that they now have, that is, should maintain the *status quo* as regards submarine tonnage. It was understood that the present submarine tonnage of France was 31,391 tons; of Japan 31,452 tons, and of Italy somewhat less, about 21,000 tons. This proposition was not accepted, being opposed both by Japan and France. Japan stated her willingness to adhere to the original proposal, which allowed her 54,000 tons in submarines.

In accepting the allowance for capital ships, France had made a distinct reservation. It was said that it would be impossible for the French Government to accept reductions for light cruisers, torpedo boats and submarines corresponding to those which were accepted for capital ships. Accordingly, France maintained that her necessities required that she should be allowed 330,000 tons for cruisers, etc., and 90,000 tons for submarines.

M. Sarraut thus stated the position of the French Government:

"After examining, on the other hand, the composition of the forces needed by France in auxiliary craft and submarines, which are specially intended for the protection of her territory and its communications, the Cabinet and the Supreme Council of National Defense, have reached the conclusion that it is impossible to accept a limitation below that of 330,000 tons for auxiliary craft and 90,000 tons for submarines, without imperiling the vital interests of the country and of its colonies and the safety of their naval life.

"The French delegation has been instructed to consent to no concession on the above figures.

"To sum up, France accepts, as regards capital ships, the sacrifice which she must face in order to meet the views of the Conference and which represents an important reduction of her normal sea power. She limits the program of the future establishment of her fleet to 330,000 tons for auxiliary craft and to 90,000 tons for submarines."

In view of the insistence on the part of the French Delegation that they could not abate their requirements as to auxiliary craft and submarines, the British Delegation stated that they were unable to consent to a limitation of auxiliary craft adapted to meet submarines.

For this reason it was found to be impossible to carry out the American plan so far as limitation of auxiliary craft and submarines was concerned.

### **The Naval Treaty.**

The agreement finally reached was set forth in the Naval Treaty, signed on February 6, 1922.

With respect to capital ships, while there are certain changes in detail, the integrity of the plan proposed on behalf of the American Government has been maintained, and the spirit in which that proposal was made, and in which it was received, dominated the entire negotiations and brought them to a successful conclusion.

The Treaty is in three chapters:

(1) A chapter containing the general principles or provisions relating to the limitation of naval armament.

(2) A chapter containing rules for the execution of the agreement.

(3) A chapter containing certain miscellaneous provisions.

Without following the order of this arrangement, the substance of the Treaty may be thus stated:

The first subject with which the Treaty deals is that of the limitations as to capital ships, which are defined as follows:

"A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with a caliber exceeding 8 inches (203 millimeters)." (Chapter II, Part 4.)

The Treaty specifies the capital ships which each of the five Powers may retain. Thus, the United States of America is to retain 18 capital ships, with a tonnage of 500,650 tons; the British Empire 22 capital ships, with a tonnage of 540,450 tons; France 10 ships, of 221,170 tons; Italy 10 ships, of 182,800 tons; Japan 10 ships, of 301,320 tons. (Chapter II, Part 1.)



In reaching this result, the age factor in the case of the respective navies has received consideration.

The Treaty provides that all other capital ships of these Powers, either built or building, are to be scrapped or disposed of as provided in the Treaty. (Article II.)

It is provided that the present building programs are to be abandoned and that there is to be no building of capital ships hereafter, except in replacement and as the Treaty provides. (Article III.)

It may be useful to make a comparison of this result with the proposal which was made at the beginning of the Conference on behalf of the American Delegation. That proposal set forth that 18 ships were to be retained by the United States with a tonnage of 500,650 tons. In this Treaty the same ships are to be retained.

In that proposal there were set forth 22 capital ships to be retained by the British Empire. Under the Treaty the same number of ships is to be retained, in fact, the same ships, with the single exception of the substitution of the *Thunderer* for the *Erin*, with a total tonnage of 580,450, as against the calculation in the original proposal of 604,450 tons for ships retained.

In the case of Japan, the proposal set forth 10 ships to be retained. By the Treaty, the same number of ships is to be retained, the difference being that the *Mutsu* is to be retained and the *Settsu* (which was to have been retained) is to be scrapped. The tonnage retained by Japan, as calculated in the original proposal, was 299,700 tons. The tonnage retained under the Treaty is 301,320.

The effect of the retention of the *Mutsu* by Japan was to make necessary certain changes to which reference has already been made, and for which the Treaty provides. These changes are:

In the case of the United States, it is provided that two ships of the *West Virginia* class, now under construction, may be completed, and that on their completion two of the ships which were to have been retained, the *North Dakota*, and the *Delaware*, are to be scrapped.

In the case of the British Empire, two new ships may be built, not exceeding 35,000 tons each; and on completion of these two ships, four ships, the *Thunderer*, *King George V*, the *Ajax*, and the *Centurion*, are to be scrapped.

In the case of Japan, as has been said, the difference is that the *Mutsu* is retained and the *Settsu* scrapped.

Aside from these changes, the principles set forth in the American proposal in relation to capital ships have been applied, and the capital ship program is in its essence carried out.

A further comparison may be made with respect to ships to be scrapped.

In the case of the United States, it was proposed to scrap all capital ships now under construction, that is to say 15 ships, in various stages of construction. Instead, 13 of these ships are to be scrapped or disposed of. The total number of capital ships which were to be scrapped by the United States, or disposed of, was stated to be 30. Under the Treaty, the number is 28, with a very slight difference in total tonnage.

In the case of Great Britain, the construction of the 4 great Hoods has been abandoned, and while Great Britain is to have 2 new ships, limited to 35,000 tons each, 4 of the retained ships are to be scrapped, as already stated, when these two ships are completed.

It was also provided in the original proposal that Great Britain should scrap her pre-dreadnaughts, second line battleships and first line battleships, up to and not including the *King George V*. These ships, with certain pre-dreadnaughts which it was understood had already been scrapped, would amount to 19 capital ships, with a tonnage reduction on this account of 411,375 tons. This provision is substantially unaffected by the Treaty, the fact being that under the Treaty 20 ships are to be scrapped instead of 19 that were mentioned in the proposal.

In the case of Japan, the proposal was that Japan—

“(1) Shall abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, No. 7 and No. 8, battleships, and Nos. 5, 6, 7, and 8, battle cruisers.”

This proposal has been carried out and the program has been abandoned by Japan.

“(2) Shall scrap 3 capital ships (the *Mutsu*, launched; the *Tosa* and *Kago*, in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Itoga* and *Takao* not yet laid down, but for which certain material has been assembled). The total number of new capital ships to be scrapped under this program is 7. The total tonnage of these capital ships when completed would be 289,100 tons.”

Under the Treaty Japan is to scrap all the ships mentioned with the exception of the *Mutsu*.

“(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships with a total tonnage of 159,828 tons.”

Under the Treaty 10 ships are scrapped, including the *Settsu* instead of excluding it.

There are certain special provisions with regard to capital ships which should be mentioned in order that there may be no misapprehension, although the matter itself is insignificant. In the tables in Section II of Chapter II, Part 3, it is provided that the United

States may retain the *Oregon* and *Illinois* for noncombatant purposes after they have been emasculated in accordance with certain provisions of the Treaty. There is a sentimental reason for the retention of the *Oregon*, which it is understood the State of Oregon desires to possess.

The British Empire is permitted to retain the *Colossus* and the *Collingswood* for noncombatant purposes after they have been emasculated. These have already been withdrawn from combatant use.

There is also a provision in the case of Japan that 2 of her older ships, over 20 years old, the *Shikashima* and the *Asahi*, which were to be scrapped may be retained for noncombatant purposes after they have been emasculated, as stated.

The matter of scrapping is not left to conjecture or to the decision of each of the Powers taken separately, but is carefully defined by the Treaty in Part 2 of Chapter II, as follows:

“ RULES FOR SCRAPPING VESSELS OF WAR.

“I. A vessel to be scrapped must be placed in such a condition that it can not be put to combatant use.

“II. This result must be finally effected in any one of the following ways:

- (a) Permanent sinking of the vessel;
  - (b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers, and armor, and all deck, side, and bottom plating;
  - (c) Converting the vessel to target use, exclusively \* \* \*
- Not more than one capital ship may be retained for this purpose at one time by any of the Contracting Powers.”

There is a special provision in the case of France and Italy that they may severally retain two seagoing vessels for training purposes exclusively; that is, as gunnery or torpedo schools. The Treaty describes the vessels, or the class to which they belong, and France and Italy undertake to remove and destroy their conning towers and not to use them as vessels of war.

There is also provision as to the two stages of scrapping. The first stage is intended to render the ship incapable of further warlike service and is to be immediately undertaken. The process is set forth in great detail in respect to removal of guns or machinery for working hydraulic or electric mountings, or fire-control instruments and range finders, or ammunition, explosives, and mines, or torpedoes, war-heads and torpedo tubes, or wireless telegraphy installations, the conning tower and all side armor, etc. (Chapter II, Part 2, Section III, Sub Division A.)

In the case of vessels that are to be immediately scrapped, the work of rendering them incapable of further warlike service is to

be completed within six months from the time of the coming into force of the Treaty and the scrapping is to be finally effected within 18 months from that time. In the case of vessels which are to be scrapped after the completion of the new ships which may be built by the United States and the British Empire respectively, the work of rendering the vessel incapable of further warlike service is to be commenced not later than the date of the completion of its successor and is to be finished within six months from that time. The vessel is to be finally scrapped within 18 months from that date.

The Treaty provides the maximum replacement limits as follows:

United States .....	525,000 tons
British Empire.....	525,000 tons
France .....	175,000 tons
Italy .....	175,000 tons
Japan .....	315,000 tons

The size of each of the capital ships is limited to 35,000 tons; it is also provided that no capital ship shall carry a gun of a calibre in excess of 16 inches. The provisions for replacements of capital ships are set forth in charts which form Section II of Part 3 of Chapter II of the Treaty.

In the case of the United States, the British Empire and Japan, aside from the two ships that may be completed by the United States and the two which may be built by the British Empire, the first replacement is to begin with the laying down of ships in the year 1931, for completion in 1934, and replacement takes place thereafter according to the age of the ships.

In the case of France and Italy, the first replacement is permitted for laying down in 1927 for completion in 1930 in the case of France, and in 1931 in the case of Italy.

The Treaty also deals with aircraft carriers.

"An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X, as the case may be." (Chapter II, Part 4.)

The total tonnage allowed for aircraft carriers is limited as follows: (Article VII.)

For the United States.....	135,000 tons.
British Empire.....	135,000 tons.
France .....	60,000 tons.
Italy .....	60,000 tons.
Japan .....	81,000 tons.

In view of the experimental nature of the existence of aircraft carriers, that fact is recognized and there is provision for replacement without regard to age. (Article VIII.)

The maximum limit of each aircraft carrier is 27,000 tons. There is, however, a special exception which permits Contracting Powers to build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons.

What has been said with regard to the disposition of existing capital ships and their scrapping, is to be qualified by the statement that in order to effect economy, any of the Contracting Powers may use, for the purpose of constructing aircraft carriers as defined, any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the Treaty, and these may be of a tonnage of not more than 33,000 tons. (Article IX.)

The general provision as to the armament of aircraft carriers is that if it has guns exceeding six inches, the total number of guns shall not exceed 10. It can not carry a gun in excess of 8 inches. It may carry without limit 5-inch guns and anti-aircraft guns. (Art X.)

In the case of aircraft carriers of 33,000 tons, the total number of guns to be carried, in case any of such guns are of caliber exceeding 6 inches, except anti-aircraft guns and guns not exceeding five inches, can not number more than 8. (Article IX.)

With respect to auxiliary craft, the Treaty provides that no vessel of war exceeding 10,000 tons, other than capital ships or aircraft carriers, shall be acquired by, or constructed by, for, or within the jurisdiction of any of the Contracting Powers. Vessels not specially built as fighting ships, nor taken in time of peace under Government control for fighting purposes, which are employed on fleet duties, or as troop transports, or in some other way for the purpose of assisting in the prosecution of hostilities, otherwise than as fighting ships, are not within this limitation. (Article XI.)

The Treaty contains certain provisions of a protective nature, that is, for the purpose of securing the faithful execution of the agreement.

Thus, it is provided that no vessel of war of any of the Contracting Powers, hereafter laid down, except a capital ship, shall carry a gun in excess of 8 inches (Article XII); that no ship designated in the Treaty to be scrapped may be reconverted into a vessel of war (Article XIII); that no preparations shall be made in merchant ships in time of peace for the installation of warlike armament for the purpose of converting such ships into vessels of war, other than the necessary stiffening of the decks for the mounting of guns not exceeding 6 inches. (Article XIV.)

There are also provisions with respect to the building of vessels for foreign powers. Thus, no vessel of war constructed within the

jurisdiction of any of the Contracting Powers, for a noncontracting power, shall exceed the limits as to displacement and armament prescribed by the Treaty for vessels of a similar type, constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a noncontracting power shall not exceed 27,000 tons. (Article XV.)

It is provided that a Contracting Power, within the jurisdiction of which a vessel of war is constructed for a noncontracting power, shall give suitable information to the other Contracting Powers. (Article XVI.)

Further, in the event of a Contracting Power being engaged in war, such Power is not to use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other power or which may have been constructed within its jurisdiction for another power and not delivered. (Article XVII.)

Each of the Contracting Powers undertakes not to dispose, by gift, sale, or any mode of transfer, of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign power (Article XVIII). It is recorded in the proceedings of the Conference that this undertaking is regarded as binding as a matter of honor upon the Powers from the date of the signing of the Treaty.

Reference has already been made to the provision relating to the maintenance of the status quo as to fortifications and naval bases in the Pacific Ocean.

If, during the term of the Treaty, which is 15 years, the requirements of the national security of any of the Contracting Powers, in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Contracting Powers agree, at the request of such Power, to meet in conference with a view to the reconsideration of the provisions of the Treaty and its amendment by mutual agreement. (Article XXI.)

It is further provided that in view of possible technical and scientific developments the United States, after consultation with the other Contracting Powers, shall arrange for a Conference of all the Contracting Powers, which shall convene as soon as possible after the expiration of 8 years from the coming into force of the Treaty, to consider what changes, if any, may be necessary to meet such developments. (Article XXI.)

There is a special provision as to the effect of an outbreak of war. The mere fact that one of the Contracting Powers becomes engaged in war does not affect the obligations of the Treaty. But if a Contracting Power becomes engaged in a war which, in its opinion, affects the naval defence of its national security, such Power may, after notice to the other Contracting Powers, suspend for the period

of hostilities its obligations under the present Treaty, other than certain specified obligations, provided that such Power shall notify the other Contracting Powers that the emergency is of such a character as to require such suspension. In such a case the remaining Contracting Powers agree to consult together and ascertain what temporary modifications may be required. If such consultation does not produce an agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of the Contracting Powers may, by giving notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present Treaty, except as specified. On the cessation of hostilities the Contracting Powers agree to meet in Conference to consider what modifications, if any, should be made in the provisions of the Treaty. (Article XXII.)

The Treaty is to remain in force until December 31, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the Treaty, it is to continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers; whereupon the Treaty shall terminate as regards all the Contracting Powers. (Article XXIII.)

This is a summary of the engagements of the Naval Treaty. Probably no more significant treaty was ever made. Instead of discussing the desirability of diminishing the burdens of naval armament, the Conference has succeeded in limiting them to an important degree.

It is obvious that this agreement means ultimately an enormous saving of money and the lifting of a heavy and unnecessary burden. The Treaty absolutely stops the race in competition in naval armament. At the same time it leaves the relative security of the great naval powers unimpaired. No national interest has been sacrificed; a wasteful production of unnecessary armament has been ended.

While it was desired that an agreement should be reached for the limitation of auxiliary craft and submarines, its importance should not be overestimated. Limitation has been effected where it was most needed, both with respect to the avoidance of the heaviest outlays and with reference to the promptings to war, which may be found in excessive preparation. Moreover, it is far from probable that the absence of limitation, in the other field, will lead to production of either auxiliary craft or submarines in excess of their normal relation to capital ships. Peoples are not in a mood for unnecessary naval expenditures.

The limitation of capital ships, in itself, substantially meets the existing need, and its indirect effect will be to stop the inordinate production of any sort of naval craft.

## **Rules for Control of New Agencies of Warfare.**

### **Submarines.**

The British Delegation submitted a proposition for the abolition of submarines. This proposal was put upon the records in the following form:

"The British Empire Delegation desired formally to place on record this opinion that the use of submarines whilst of small value for defensive purposes, leads inevitably to acts which are inconsistent with the laws of war and the dictates of humanity, and the Delegation desires that united action should be taken by all nations to forbid their maintenance, construction, or employment."

The proposal was discussed at length, the British Delegation bringing forward in its support arguments of great force based upon the experience of Great Britain in the recent war. It met with opposition from France, Italy, and Japan.

The American Delegation not only had the opinion of their naval advisers in opposition to the proposal, but also had received a careful report upon the subject from the Advisory Committee of Twenty-One appointed by the President. This report was presented by the American Delegation as setting forth in a succinct manner the position of their Government. In this report it was stated:

"Unlimited submarine warfare should be outlawed. Laws should be drawn up prescribing the methods of procedure of submarines against merchant vessels both neutral and belligerent. These rules should accord with the rules observed by surface craft. Laws should also be made which prohibit the use of false flags and offensive arming of merchant vessels. The use of false flags has already ceased in land warfare. No one can prevent an enemy from running 'amuck' but immediately he does, he outlaws himself and invites sure defeat by bringing down the wrath of the world upon his head. If the submarine is required to operate under the same rule as combatant surface vessels no objection can be raised as to its use against merchant vessels. The individual captains of submarines are no more likely to violate instructions from their government upon this point than are captains of any other type of ship acting independently.

### **"SUBMARINES AGAINST COMBATANT SHIPS.**

"Against enemy men of war the submarine may be likened to the advance guard on land which hides in a tree or uses underbrush to conceal itself. If the infantry in its advance encounters an ambushade, it suffers greatly even if it is not totally annihilated. However, an ambushade is entirely legitimate. In the same fashion a submarine strikes the advancing enemy from concealment and no nation cries out against this



form of attack as illegal. Its Navy simply becomes more vigilant, moves faster and uses its surface scouts to protect itself.

"The submarine carries the same weapons as surface vessels, i. e., torpedoes, mines, and guns. There is no prohibition of their use on surface craft and there can be none on submarines. Submarines are particularly well adapted to use mines and torpedoes. They can approach to the desired spot without being seen, lay their mines or discharge their torpedoes and make their escape.

"The best defense against them is eternal vigilance and high speed. This causes added fatigue to the personnel and greater wear to the machinery. The continual menace of submarines in the vicinity may so wear down a fleet that when it meets the enemy it will be so exhausted as to make its defeat a simple matter.

"The submarine as a man-of-war has a very vital part to play. It has come to stay. It may strike without warning against combatant vessels, as surface ships may do also, but it must be required to observe the prescribed rules of surface craft when opposing merchantmen, as at other times.

#### "THE SUBMARINE AS A SCOUT.

"As a scout the submarine has great possibilities—it is the one type of vessel able to proceed unsupported into distant enemy waters and maintain itself to observe and report enemy movements. At present its principal handicaps are poor habitability and lack of radio power to transmit its information. However, these may be overcome in some degree in the future. Here, again, the submarine has come to stay—it has great value, a legitimate use, and no nation can decry its employment in this fashion.

\* \* \* \* \*

"The submarine is particularly an instrument of weak naval powers. The business of the world is carried on upon the surface of the sea. Any navy which is dominant on the surface prefers to rely on that superiority. While navies comparatively weak, may but threaten that dominance by developing a new form of attack to attain success through surprise. Hence submarines have offered and secured advantages until the method of successful counterattack has been developed.

"The United States Navy lacks a proper number of cruisers. The few we have would be unable to cover the necessary area to obtain information. Submarines could greatly assist them as they can not be driven in by enemy scouts.

"The cost per annum of maintaining 100,000 tons of submarines fully manned and ready is about thirty million dollars. For the work which will be required of them in an emergency, this cost is small when taken in connection with the entire Navy. The retention of a large submarine force may at some future time result in the United States holding its outlying possessions. If these colonies once fall the expenditure of men necessary to recapture them will be tremendous and may result in a drawn war which would really be a United States defeat. The United States needs a large submarine force to protect its interests.

"The Committee is therefore of the opinion that unlimited warfare by submarines on commerce should be outlawed. The right of visit and search must be exercised by submarines under the same rules as for surface vessels. It does not approve limitation in size of submarines."

*Illegal Submarine Warfare—Use of Submarines Against Merchant Ships—Poison Gas.*

While the Conference was unable either to abolish or to limit submarines, it stated, with clarity and force, the existing rules of international law which condemned the abhorrent practices followed in the recent war in the use of submarines against merchant vessels. The resolutions adopted by the Conference as to the use of submarines against merchant vessels, and with respect to the use of poison gas, were put in the form of a treaty which was signed on February 6, 1922. The substantive portions of this Treaty are as follows:

" I.

"The Signatory Powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law;

"(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

"A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

" II.

"The Signatory Powers invite all other civilized Powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

" III.

"The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of

any Power who shall violate any of these rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

#### “IV

“The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

#### “V

“The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties, to which a majority of the civilized Powers are parties,

“The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and invite all other civilized nations to adhere thereto.”

Mr. Root, in presenting this Treaty for the approval of the Conference, said:

“You will observe that this treaty does not undertake to codify international law in respect of visit, search or seizure of merchant vessels. What it does undertake to do is to state the most important and effective provisions of the law of nations in regard to the treatment of merchant vessels by belligerent warships, and to declare that submarines are, under no circumstances, exempt from these humane rules for the protection of the life of innocent noncombatants.

“It undertakes further to stigmatize violation of these rules, and the doing to death of women and children and noncombatants by the wanton destruction of merchant vessels upon which they are passengers and by a violation of the laws of war, which as between these five great powers and all other civilized nations who shall give their adherence shall be henceforth punished as an act of piracy.

“It undertakes further to prevent temptation to the violation of these rules by the use of submarines for the capture of merchant vessels, and to prohibit that use altogether. It undertakes further to denounce the use of poisonous gases and chemicals in war, as they were used to the horror of all civilization in the war of 1914-1918.

"Cynics have said that in the stress of war these rules will be violated. Cynics are always near-sighted, and often and usually the decisive facts lie beyond the range of their vision.

"We may grant that rules limiting the use of implements of warfare made between diplomatists will be violated in the stress of conflict. We may grant that the most solemn obligation assumed by governments in respect of the use of implements of war will be violated in the stress of conflict; but beyond diplomatists and beyond governments there rests the public opinion of the civilized world, and the public opinion of the world can punish. It can bring its sanction to the support of a prohibition with as terrible consequences as any criminal statute of Congress or of Parliament.

"We may grant that in matters which are complicated and difficult, where the facts are disputed and the argument is sophistic, public opinion may be confused and ineffective, yet when a rule of action, clear and simple, is based upon the fundamental ideas of humanity and right conduct, and the public opinion of the world has reached a decisive judgment upon it, that rule will be enforced by the greatest power known to human history, the power that is the hope of the world, will be a hope justified."

#### **Commission to Revise Rules of War.**

The Conference adopted the following Resolution for the appointment of a commission to examine the rules made necessary by recent experience with respect to new agencies of warfare:

- "I. That a Commission composed of not more than two members representing each of the above-mentioned Powers shall be constituted to consider the following questions:
  - "(a) Do existing rules of International Law adequately cover new methods of attack or defense resulting from the introduction or development, since the Hague Conference of 1907, of new agencies of warfare?
  - "(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?
- "II. That notices of appointment of the members of the Commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present Conference, which after consultation with the Powers concerned will fix the day and place for the meeting of the Commission.
- "III. That the Commission shall be at liberty to request assistance and advice from experts in International Law and in land, naval, and aerial warfare.
- "IV. That the Commission shall report its conclusions to each of the Powers represented in its membership.
  - "Those Powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers."

A further resolution was adopted at the same time, as follows:

*"Resolved, That it is not the intention of the Powers agreeing to the appointment of a Commission to consider and report upon the rules of International Law respecting new agencies of warfare that the Commission shall review or report upon the rules or declarations relating to submarines or the use of noxious gases and chemicals already adopted by the Powers in this Conference."*

**Aircraft.**

It was found to be impracticable to adopt rules for the limitation of aircraft in number, size, or character, in view of the fact that such rules would be of little or no value unless the production of commercial aircraft were similarly restricted. It was deemed to be inadvisable thus to hamper the development of a facility which could not fail to be important in the progress of civilization.

## SECOND.

### PACIFIC AND FAR EASTERN QUESTIONS.

When the Conference was called there existed with regard to the Far East causes of misunderstanding and sources of controversy which constituted a serious potential danger. These difficulties centered principally about China, where the developments of the past quarter of a century had produced a situation in which international rivalries, jealousies, distrust, and antagonism were fostered.

The people of China are the inheritors of the oldest extant civilization of the world; but it is a civilization which has followed a course of development different from that of the West. It has almost wholly ignored the material, the mechanical, the scientific, and industrial mastery of natural resources, which has so characterized our Western civilization in its later growth, and has led among us to the creation of an intricate industrial system. The spirit of Chinese civilization has, moreover, been pacifist, and lacking in the consciousness of nationality as we understand that term. In its political aspects, the ideal of that civilization was to follow the principle of self-government by the family or guild to an extreme. The throne had imposed upon the people virtually no authority and exercised virtually no functions save to preserve order and to collect taxes for the maintenance of the throne as a symbol of national or racial unity.

So long as China lived as a race apart, as a self-contained agricultural country, such a political ideal was possible of realization; and we who are the inheritors of so different a tradition can not but pay respect to China's civilization.

It is perhaps one of the tragedies of human evolution that the fine civilization which had developed in China and which had spread to other lands of eastern Asia was of necessity withered by contact with our more material western system of living. The Asiatic nations seem to have been conscious of this in their early contacts with the European world; and for a time they sought to exclude the new influences. Failing in that, they met the problem in different ways. Japan, with its highly centralized system, which, in marked contrast with the political ideals of China, had instilled into its people a national consciousness and loyalty and obedience in a singular degree

had found it possible within a comparatively few decades to adapt itself to membership in the family of modern nations; and by what is doubtless the most extraordinary transformation in history, took on so much of the material development and political tradition of the West as enabled her empire to become what it is to-day, one of the foremost nations of the world.

China, on the other hand, with its age-long devotion to a political ideal which scarcely involved the concept of the State, and which had afforded its people no experience of coordinated action for political ends, was slower to adapt itself to conditions arising out of what it regarded as the intrusion of the West. Even after it had ceased actually to oppose this intrusion, it still sought to hold itself aloof and to carry on a passive resistance to the new influences which were at work. Against powerful, well-knit governments of the European type, strongly nationalistic, and in some instances availing themselves of military force, China could oppose only the will of a weak and loose-knit government, lacking even the support of a national self-consciousness on the part of its people. Against the organized commercial and industrial enterprises of the West, China had no similar organization to oppose, and no means of exploiting on any adequate scale the coveted latent wealth of the country. It was melancholy but perhaps inevitable that a realization of this situation should have led to a scramble among the Powers of greatest military and industrial strength with a view to obtaining the fullest possible opportunity to profit by the riches and the weakness of China. In this scramble, not only were the rights of China ignored or violated, but a number of the stronger Powers found themselves in a situation of mutual antagonism as a result.

It was in the midst of this scramble, in the year 1899, that Secretary Hay sought to establish the principle of the open door and to obtain general acceptance for certain concrete applications of it which at least would minimize the existing danger. And when, in the following year, a portion of the Chinese people were beguiled into the futile anteforeign protest that we know as the Boxer Uprising, Secretary Hay joined with the open-door principle its corollary, that is, the preservation of Chinese territorial and administrative integrity. These two related principles have since had their influence in restraint of the temptation to encroach upon the rights of China or upon the rights of other friendly states in China. But it is unfortunately the fact that these principles, helpful as they might have been, were never a matter of binding international obligation among all the powers concerned; and although generally professed, they were in some instances disregarded, and each such case afforded an excuse and a temptation to treat them thereafter

more and more as mere counsels of perfection for which no nation could be held strictly to account. This disintegrating tendency had become more marked in the period following China's overthrow of its ancient dynasty and its assumption of the status of a republic. This development has inevitably brought with it a period of transition.

The democratic system of government represents the final and most difficult stage in the political experience of a people; and its adoption has universally been accompanied, as it was in our own case, by a period of painful adjustment to new and difficult requirements. In China, perhaps, the singular lack of political experience, or even of a helpful governmental tradition, made this development infinitely difficult, and for approximately ten years China has been exhibiting the weakness and political disturbance which seem to be the price that must be paid for the institution of popular government. In these circumstances, the weakening of the restraints upon the action of foreign nations seeking to participate in the economic development of China has perhaps not unnaturally led to a greater indifference to China's rights and interests, and to a greater disregard of the dangers arising out of international rivalries.

A situation had thus been created in which the Chinese people nursed a sense of grievance and even of outrage; and the foreign nations found their relations complicated by mutual suspicion and resentment.

Throughout considerable areas of the territory of China claims were made to so-called spheres of interest which not only placed a check upon the normal economic development of the country and interfered with its administration, but also sought to restrict the free commercial intercourse of those peoples, which, like ourselves, considered that they had a full right, with the sanction of treaty engagements, to deal without control or interference with the Chinese people in whatever part of China and in whatever sort of legitimate business or enterprise they might find mutually profitable.

Such was the unhealthy situation that had come to exist in the Far East; and those who regarded it with a view to its effects upon the relationships of the several nations concerned could not but be conscious that plans for the limitation of armaments could scarcely have more than a temporary success if it were not possible to dispel the growing sense of uneasiness and mutual distrust which had arisen out of those conditions.

### **The Anglo-Japanese Alliance.**

It may be stated without reservation that one of the most important factors in the Far Eastern situation was the Anglo-Japanese Alliance. This Alliance has been viewed by the people of the United States with



deep concern. Originally designed as a measure of protection in view of the policies of Russia and Germany in Far Eastern affairs, the continuance of the Alliance after all peril from those sources had ceased could not fail to be regarded as seriously prejudicial to our interests. Without reviewing the reasons for this disquietude, it was greatly increased by the "state of international tension" which had arisen in the Pacific area. The question constantly recurred: The original sources of danger having been removed, against whom and for what purposes was the Alliance maintained? The difficulty lay in the fact that the Treaty was not one that had to be renewed. It ran until it was formally denounced by one of the two parties. Great Britain accordingly found itself, as Mr. Balfour has expressed it, "between the possibilities of two misunderstandings—a misunderstanding if they retained the Treaty, a misunderstanding if they denounced the Treaty."

It was, therefore, a matter of the greatest gratification that the American Delegation found that they were able to obtain an agreement by which the Anglo-Japanese Alliance should be immediately terminated. No greater step could be taken to secure the unimpeded influence of liberal opinion in promoting peace in the Pacific region.

#### **The Four-Power Treaty.**

This agreement between the United States, British Empire, France, and Japan, which was signed on December 13, 1921, provided as follows:

##### **I.**

"The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

"If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

##### **II.**

"If the said rights are threatened by the aggressive action of any other Power, the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

## III.

"This Treaty shall remain in force for ten years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the High Contracting Parties to terminate it upon twelve months' notice.

## IV.

"This Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate."

It was accompanied by the following statement signed at the same time:

"In signing the Treaty this day between The United States of America, The British Empire, France, and Japan it is declared to be the understanding and intent of the Signatory Powers:

"1. That the Treaty shall apply to the Mandated Islands in the Pacific Ocean; provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of The United States of America to the mandates and shall not preclude agreements between The United States of America and the Mandatory Powers respectively in relation to the mandated islands.

"2. That the controversies to which the second paragraph of Article I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers."

Accordingly, the signing of the Treaty on the part of the United States was subject to the making of a convention with Japan concerning the status of the Island of Yap and what are termed the mandated islands in the Pacific Ocean north of the Equator, the negotiations in regard to which have been concluded, and also to the reservations with respect to what are termed the mandated islands in the Pacific Ocean south of the Equator. The position of the United States in regard to mandates is not in any way affected by this Treaty.

Further, it is distinctly stated that the controversies to which the Treaty refers do not embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective Powers. Illustrations of questions of this sort are immigration and tariff matters, so far as they are unaffected by existing treaties.

It will be observed that the Treaty relates only to "insular possessions and insular dominions." It contains no provision with respect to continental territory either in the East or in the West.

Under Article I, the parties do not agree to give any support to claims, but only to respect rights that actually exist. When controversies arise of the character stated in the Article, the Powers merely agree to confer together concerning them. No Power binds itself to anything further; and any consents or agreements must be reached in accordance with its constitutional methods. The reference to "consideration and adjustment" does not imply that any agreement can be made at a conference relating to a controversy which would be binding upon the United States, unless that agreement is made by constitutional authority. The present Treaty promises not an agreement of any sort, but merely consultation. The same is true of the provision in Article II.

As Senator Lodge said, in communicating the terms of the Treaty to the Conference:

"To put it in a few words, the treaty provides that the four signatory powers will agree as between themselves to respect their insular possessions and dominions in the region of the Pacific, and that if any controversy should arise as to such rights, all the high contracting parties shall be invited to a joint conference looking to the adjustment of such controversy. They agree to take similar action in the case of aggression by any other power upon these insular possessions or dominions. The agreement is to remain in force for 10 years, and after ratification under the constitutional methods of the high contracting parties the existing agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. And that is all. Each signer is bound to respect the rights of the others and before taking action in any controversy to consult with them. There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses."

This statement was made in open Conference, in the presence of all the Delegates who signed the Treaty, and must be regarded as an authoritative and accepted exposition of its import.

A question arose whether the main islands of Japan were within the scope of the Treaty. This had been considered while the Treaty was being negotiated, and it had been understood that they had been included. The words "insular possessions and insular dominions" were deemed comprehensively to embrace all islands of the respective powers in the region described.

The American Delegation did not regard it as important whether the main islands of Japan were included or excluded, save that it was understood that their exclusion might give rise to difficulties

with respect to the position of Australia and New Zealand. After the Treaty was signed, it became apparent that in view of the sentiment both in this country and in Japan, it would be preferable to exclude the main islands of Japan from the Treaty, and it was ascertained that Australia and New Zealand would not object to this course.

It was thought desirable that specific mention should be made of the Japanese islands to which the Treaty should apply.

Accordingly, on February 6, 1922, the Four Powers signed a Treaty, supplementary to the Treaty of December 13, 1921, providing—

“the term ‘insular possessions and insular dominions’ used in the aforesaid Treaty, shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.”

It was further provided that this agreement should have the same force and effect as the Treaty to which it was supplementary, and thus it is subject to the reservations made at the time the Treaty of December 13, 1921, was signed.

### **The Shantung Controversy.**

The most acute question, perhaps, in the Far East was that relating to Shantung, and it was also apparently the most difficult to settle satisfactorily.

At the outbreak of the European War, Japan, as the ally of Great Britain, dispatched to Germany an ultimatum requiring the German Government to deliver over to the Japanese authorities, without condition or compensation, and with a view to its eventual restoration to China, the Kiaochow territory for which Germany had obtained from China a lease of 99 years by virtue of a Convention signed in 1898. Upon this ultimatum being disregarded by Germany, Japan landed forces in the Province of Shantung, which besieged and captured the City of Tsingtao and, in November, 1914, took possession of the whole leased territory of Kiaochow and of the German-owned Shantung Railway, running from that territory to the City of Tsinanfu, the capital of Shantung Province.

During the following year, as the result of the so-called “21 Demands” which Japan presented to China, there was signed on May 25, 1915, a Treaty by which the Chinese Government agreed “to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung”; and it was further agreed that the whole of Kiaochow

Bay should be opened as a commercial port, with a municipal concession to be established under the exclusive jurisdiction of Japan at a place to be designated by the Japanese Government, while an international concession might be established if the other foreign Powers should so desire.

By a further Exchange of Notes dated September 24, 1918, it was arranged that the Shantung Railway should be operated jointly by Japan and China, and that it should thereafter be protected not by Japanese troops but by a special police force composed of Chinese under Japanese direction.

This latter arrangement, however, was never ratified by China, which continued to protest against Japan's claim to have succeeded to the position of Germany with respect to the leased territory of Kiaochow, the Shantung Railway, and other matters in the Province of Shantung.

This question was raised at the Peace Conference at Paris, China insisting upon the restitution to itself of all rights and privileges which Germany had possessed in Tsingtao. The decision of the Conference was, however, adverse to this claim; and by Articles 156, 157, and 158 of the Treaty of Versailles, it was provided that Germany should renounce in favor of Japan all her rights, title, and privileges relative to the Province of Shantung, particularly those concerning the leased territory of Kiaochow and the movable and immovable property of the German Government therein, the Shantung Railway, the mines operated by German nationals, and the submarine cables to Chefoo and to Shanghai which were the property of the German state. The cession thus made by the Treaty was nevertheless qualified by a declaration made in behalf of the Japanese Delegation, to the effect that "the policy of Japan consists in handing back the Shantung Peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany and the right to establish a settlement under the usual conditions at Tsingtao." By reason of this dissatisfaction with the disposition of the Shantung question made by the Versailles Treaty, the Chinese Government not only withheld its signature of that Treaty, but declined to entertain any proposals made by the Japanese Government for the adjustment of the question upon what it deemed to be the vague and arbitrary basis of restoring to China the "political sovereignty" (which China contended had not been affected by Japan's taking over the German position), while retaining for Japan the economic privileges—including the only deep-water harbor in the Province, the only railway thence to the interior, the only coal and iron mines of the Province which have proved to be of value—so as to leave Japan in effective domination of the economic life of the Province of Shantung.

The question could not be brought, technically, before the Washington Conference, as all the nations represented at the Conference table, save the United States, China, and The Netherlands, were bound by the Treaty of Versailles. Japan could, of course, at once oppose any action by any of these Powers at the Conference which could be regarded as a departure from the terms of that Treaty.

It was quite clear, however, that the Conference furnished a most favorable opportunity for negotiations between China and Japan in which by mutual agreement a solution of the difficulty might be found. In order that the parties might be brought together, the good offices of Mr. Balfour and Mr. Hughes, individually, were tendered to both parties, with their consent, and conversations looking to a settlement were begun. These conversations continued for many weeks and had the happy result of complete agreement, which was embodied in a Treaty signed on the part of China and Japan on February 4, 1922. The main outlines of this Treaty are as follows:

"Japan will, within six months from the date of the Treaty, restore to China the former German leased territory of Kiaochow, and all public properties therein, without charge except for such additions and improvements as may have been made by Japan during the period of her occupation;

"All Japanese troops are to be withdrawn as soon as possible—from the line of the Railway within six months at the latest, and from the leased territory not later than 30 days from the date of its transfer to China;

"The customhouse at Tsingtao is at once to be made an integral part of the Chinese Maritime Customs;

"The Shantung (Tsingtao-Tsinanfu) Railway and appurtenant properties, are to be transferred to China, the transfer to be completed within 9 months, at the latest, from the date of coming into force of the Treaty; the value of the property to be determined by a commission upon the basis of approximately 53,000,000 gold marks, already assessed against Japan by the Reparations Commission as the value of the railway property taken by Japan from Germany in 1914; the value fixed being paid by China to Japan by Chinese Government treasury notes, secured on the properties and revenues of the Railway, and running for a period of 15 years, but redeemable either in whole or in part at any time after 5 years from the date of payment; pending the complete redemption of such treasury notes, the Chinese Government to employ a Japanese subject as traffic manager, and a Japanese subject as one of two joint chief accountants, under the authority and control of the Chinese managing director of the railway;

"The rights in the construction of two extensions of the Shantung Railway, reserved in 1914 for German enterprise, and subsequently granted to a Japanese syndicate, are to be

opened to the activities of an international financial group on terms to be arranged between China and that group;

"The coal and iron mines formerly owned by the German Shantung Railway Company are to be handed over to a company to be formed under a special charter of the Chinese Government, in which Japanese capital may participate equal with Chinese capital;

"Japan relinquishes its claim to the establishment of an exclusive Japanese settlement in the leased territory, and China opens the whole of that territory to foreign trade, undertaking to respect all valid vested rights therein;

"China is enabled to purchase, for incorporation in its Government salt monopoly, the salt fields now operated in the leased territory by Japanese subjects, on the understanding that it will allow the export on reasonable terms of salt to meet the shortage in Japan;

"Japan relinquishes to China all claims with respect to the Tsingtao-Chefoo and Shanghai cables, except such portions as were utilized by Japan during the war for the laying of the cable from Tsingtao to Sasebo;

"Japan is to transfer to China for fair compensation the wireless stations at Tsingtao and Tsinanfu;

"Japan renounces all preferential rights in respect of foreign assistance in persons, capital, and material stipulated in the Kiachow Convention of 1898 between China and Germany.

### **Wei-Hai-Wei.**

On the announcement to the Conference of the conclusion of the agreement relating to Shantung, Mr. Balfour, on behalf of the British Government, proposed to restore Wei-Hai-Wei to China. Mr. Balfour said:

"The circumstances under which Weihaiwei thus came under the control of Britain have now not only provisionally changed, but they have altogether disappeared. The rest of the Province of Shantung is now handed back under suitable conditions to the complete sovereignty of China. Under like suitable conditions I have to announce that Great Britain proposes to hand back Weihaiwei to the country within whose frontier it lies.

"It has so far been used merely as a sanatorium or summer resort for ships of war coming up from the tropical or more southern portions of the China station. I doubt not that arrangements can be made under which it will remain available for that innocent and healthful purpose in time to come. But Chinese sovereignty will now be restored, as it has been restored in other parts of the Province, and we shall be largely guided in the arrangements that we propose at once to initiate by the example so happily set us by the Japanese and Chinese negotiators in the case of Shantung. They have received from this great assembly unmistakable proof of your earnest approval, and most surely they deserve it."

### **Principles and Policies in Relation to China.**

The work of the Conference in connection with Far Eastern matters was largely devoted to the effort to give new vigor and reality to the coordinated principles of territorial and administrative integrity of China and of the "Open Door" or equality of opportunity for all nations in China. These principles have been called coordinate, but they are, in fact, different aspects of the same principle. For any impairment of the sovereignty of China must affect the rights and interests of other powers in relation to China; and any attempt to establish a particularistic and exclusive system in favor of any foreign nation thereby creates conditions prejudicial to China's freedom of action in relation to other Powers. The distinction between the two phases of this question would therefore seem to be one of relative emphasis rather than of kind.

As the foundation of its work in relation to China, the Conference adopted the following fundamental principles, in agreeing:

"(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

"(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

"(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

"(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States and from countenancing action inimical to the security of such States."

Thus were reaffirmed the postulates of American policy which were no longer to be left to the exchanges of diplomatic notes, but were to receive the sanction of the most solemn undertaking of the Powers.

This statement was supplemented by the agreement that the Powers attending the Conference "would not enter into any treaty, agreement, arrangement or understanding, either with one another, or individually, or collectively, with any Power or Powers, which would infringe or impair these principles."

In the light of experience, it was deemed important that there should be a more definite statement of what was connoted by the "Open Door" or the principle of equal opportunity, and accordingly the Conference adopted the following resolutions:

"I. With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Powers other than China represented at this Conference agree—

"(a) Not to seek or to support their nationals in seeking any arrangement which might purport to establish in favor of their



interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

"(b) Not to seek or to support their nationals in seeking any such monopoly or preference as would deprive other nationals of the right of undertaking any legitimate trade or industry in China or of participating with the Chinese Government or with any local authority in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

"It is understood that this agreement is not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial or financial undertaking or to the encouragement of invention and research.

"II. The Chinese Government takes note of the above agreement and declares its intention of being guided by the same principles in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries whether parties to that agreement or not."

There still remained the efforts of nationals, as distinguished from governments, in derogation of the Open Door principle, to create for themselves spheres of influence in China in order to enjoy mutually exclusive opportunities. This sort of endeavor the Powers agreed to restrain by resolving:

"*Resolved*, That the Signatory Powers will not support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory."

It was also apparent, in connection with the particular subject of railways, that safeguards should be erected against practices of unjust discrimination, although there was no intent to intimate that any unfair discrimination lay at the door of China. Accordingly the Conference took action as follows:

"The Chinese Government declares that throughout the whole of the railways in China it will not exercise or permit any unfair discrimination of any kind. In particular, there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

"The other Powers represented at this Conference take note of the above declaration and make a corresponding declaration in respect of any of the aforesaid railways over which they or

their nationals are in a position to exercise any control in virtue of any concession, special agreement, or otherwise."

The agreements evidenced by these Resolutions, and constituting "Magna Charta for China, were embodied in the Treaty signed on February 6, 1922.

In this Treaty it was also provided that the Contracting Powers agreed fully to respect Chinese rights as a neutral in time of war to which China is not a party, and China declared that when she was a neutral she would observe the obligations of neutrality.

Again, in order to aid the carrying out of these stipulations of the Treaty, provision was made for consultation among the Powers concerned with respect to their application. It was provided:

"The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned."

This involves no impairment of national sovereignty, no sacrifice of national interests, no provision for agreements reached apart from the constitutional methods of the respective Powers, but a simple opportunity for consultation, examination, and expression of views whenever any question under the specified stipulations of the Treaty may arise.

It is believed that through this Treaty the Open Door in China has at last been made a fact.

### **Board of Reference.**

In order further to provide a procedure for dealing with questions which might arise under the provisions of the Treaty, relating to equality of opportunity and unfair discrimination in railroad service, a Resolution was adopted providing for the constitution of a Board of Reference, which would furnish a facility for investigation and report. The Resolution was adopted in the following terms:

"Desiring to provide a procedure for dealing with questions that may arise in connection with the execution of the provisions of Articles III and V of the Treaty to be signed at Washington on February 6th, 1922, with reference to their general policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

"Resolve that there shall be established in China a Board of Reference to which any questions arising in connection with the

execution of the aforesaid Articles may be referred for investigation and report.

"The Special Conference provided for in Article II of the Treaty to be signed at Washington on February 6th, 1922, with reference to the Chinese Customs Tariff, shall formulate for the approval of the Powers concerned a detailed plan for the constitution of the Board."

It will be observed that this Board, which is intended merely as a board of inquiry, is not yet constituted, and the recommendations of the Special Conference, with respect to its constitution, must be submitted for the approval of the Powers, which, of course, must act according to their constitutional methods in the adoption of any agreement containing a detailed plan.

#### **Alienation of Territory.**

In connection with the presentation by China of the principles asserted in behalf of her territorial and administrative integrity, China placed upon the record of the Conference the following declaration:

"China, upon her part, is prepared to give an undertaking not to alienate or lease any portion of her territory or littoral to any Power."

It was proper that to China should be given the opportunity to develop in the Conference those questions which more intimately affected her integrity and sovereignty, and her Delegation took occasion to indicate fully, and very ably, certain grounds of complaint which China had against various practices.

#### **Extraterritoriality.**

By treaties between Great Britain and China, dated September 5, 1902; between the United States and China, dated October 8, 1903; and between Japan and China dated October 8, 1903, these Powers agreed to give every assistance towards the attainment by the Chinese Government of its expressed desire to reform its judicial system and to bring it into accord with that of western nations and declared that they were also "prepared to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations, warrant" them in so doing. In the light of these agreements, and taking into consideration existing conditions in China, it was resolved by the Powers in the Conference as follows:

"That the Governments of the Powers above named shall establish a Commission (to which each of such Governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China, and into the laws and the judicial system and the methods of judicial administration of China, with a view to reporting to the Governments of the sev-

eral Powers above named their findings of fact in regard to these matters, and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China, and to assist and further the efforts of the Chinese Government to effect such legislation and judicial reforms as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality:

"That the Commission herein contemplated shall be constituted within three months after the adjournment of the Conference in accordance with detailed arrangements to be hereafter agreed upon by the Governments of the Powers above named, and shall be instructed to submit its report and recommendations within one year after the first meeting of the Commission.

"That each of the Powers above named shall be deemed free to accept or to reject all or any portion of the recommendations of the Commission herein contemplated, but that in no case shall any of the said Powers make its acceptance of all or any portion of such recommendations either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

#### "ADDITIONAL RESOLUTION.

"That the non-signatory Powers, having by treaty extraterritorial rights in China, may accede to the resolution affecting extraterritoriality and the administration of justice in China by depositing within three months after the adjournment of the Conference a written notice of accession with the Government of the United States for communication by it to each of the signatory Powers.

#### "ADDITIONAL RESOLUTION.

"That China, having taken note of the resolutions affecting the establishment of a Commission to investigate and report upon extraterritoriality and the administration of justice in China, expresses its satisfaction with the sympathetic disposition of the Powers hereinbefore named in regard to the aspiration of the Chinese Government to secure the abolition of extraterritoriality in China, and declares its intention to appoint a representative who shall have the right to sit as a member of the said Commission, it being understood that China shall be deemed free to accept or to reject any or all of the recommendations of the Commission. Furthermore, China is prepared to cooperate in the work of this Commission and to afford to it every possible facility for the successful accomplishment of its tasks."

### **Foreign Postal Agencies in China.**

The following Resolution was adopted by the Conference in relation to foreign postal agencies in China:

"A. Recognizing the justice of the desire expressed by the Chinese Government to secure the abolition of foreign postal

agencies in China, save or except in leased territories or as otherwise specifically provided by treaty, it is resolved:

(1) The four Powers having such postal agencies agree to their abandonment subject to the following conditions:

(a) That an efficient Chinese postal service is maintained;

(b) That an assurance is given by the Chinese Government that they contemplate no change in the present postal administration so far as the status of the foreign Co-Director General is concerned.

(2) To enable China and the Powers concerned to make the necessary dispositions, this arrangement shall come into force and effect not later than January 1, 1923.

"B. Pending the complete withdrawal of foreign postal agencies, the four Powers concerned severally undertake to afford full facilities to the Chinese customs authorities to examine in those agencies all postal matters (excepting ordinary letters, whether registered or not, which upon external examination appear plainly to contain only written matter) passing through them, with a view to ascertaining whether they contain articles which are dutiable or contraband or which otherwise contravene the customs regulations or laws of China."

### **Armed Forces in China.**

The following Resolution was adopted in relation to foreign troops in China, including police and railroad guards:—

"*Whereas* The Powers have from time to time stationed armed forces, including police and railway guards, in China to protect the lives and property of foreigners lawfully in China;

"*And whereas* It appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

"*And whereas* The Powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement, whenever China shall assure the protection of the lives and property of foreigners in China;

"*And whereas* China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China:

"*Now* to the end that there may be clear understanding of the conditions upon which in each case the practical execution of those intentions must depend;

*It is resolved:* That the Diplomatic Representatives in Peking of the Powers now in Conference at Washington, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, The Netherlands, and Portugal, will be instructed

by their respective Governments, whenever China shall so request, to associate themselves with three representatives of the Chinese Government to conduct collectively a full and impartial inquiry into the issues raised by the foregoing declarations of intention made by the Powers and by China and shall thereafter prepare a full and comprehensive report setting out without reservation their findings of fact and their opinion with regard to the matter hereby referred for inquiry, and shall furnish a copy of their report to each of the nine Governments concerned which shall severally make public the report with such comment as each may deem appropriate. The representatives of any of the Powers may make or join in minority reports stating their differences, if any, from the majority report.

"That each of the Powers above named shall be deemed free to accept or reject all or any of the findings of fact or opinions expressed in the report, but that in no case shall any of the said Powers make its acceptance of all or any of the findings of fact or opinions either directly or indirectly dependent on the granting by China of any special concession, favor, benefit, or immunity, whether political or economic."

#### **Radio Stations in China.**

The following action was taken with respect to radio stations:

"1. That all radio stations in China, whether maintained under the provisions of the international protocol of September 7, 1901, or in fact maintained in the grounds of any of the foreign legations in China, shall be limited in their use to sending and receiving government messages and shall not receive or send commercial or personal or unofficial messages, including press matter: Provided, however, that in case all other telegraphic communication is interrupted, then, upon official notification accompanied by proof of such interruption to the Chinese Ministry of Communications, such stations may afford temporary facilities for commercial, personal, or unofficial messages, including press matter, until the Chinese Government has given notice of the termination of the interruption;

"2. All radio stations operated within the territory of China by a foreign government or the citizens or subjects thereof under treaties or concessions of the Government of China, shall limit the messages sent and received by the terms of the treaties or concessions under which the respective stations are maintained;

"3. In case there be any radio station maintained in the territory of China by a foreign government or citizens or subjects thereof without the authority of the Chinese Government, such station and all the plant, apparatus, and material thereof shall be transferred to and taken over by the Government of China, to be operated under the direction of the Chinese Ministry of Communications upon fair and full compensation to the owners for the value of the installation, as soon as the Chinese Ministry of Communications is prepared to operate the same effectively for the general public benefit;

"4. If any questions shall arise as to the radio stations in leased territories, in the South Manchurian Railway Zone or in the French Concession at Shanghai, they shall be regarded as matters for discussion between the Chinese Government and the Government concerned;

"5. The owners or managers of all radio stations maintained in the territory of China by foreign powers or citizens or subjects thereof shall confer with the Chinese Ministry of Communications for the purpose of seeking a common arrangement to avoid interference in the use of wave lengths by wireless stations in China, subject to such general arrangements as may be made by an international conference convened for the revision of the rules established by the International Radio Telegraph Convention, signed at London, July 5, 1912."

The following declaration in connection with this Resolution was made by the Powers other than China:

"The Powers other than China declare that nothing in paragraphs 3 or 4 of the Resolutions of 7th December, 1921, is to be deemed to be an expression of opinion by the Conference as to whether the stations referred to therein are or are not authorized by China.

"They further give notice that the result of any discussion arising under paragraph 4 must, if it is not to be subject to objection by them, conform with the principles of the Open Door or equality of opportunity approved by the Conference."

There was also a declaration by China, upon the same subject, as follows:

"The Chinese Delegation takes this occasion formally to declare that the Chinese Government does not recognize or concede the right of any foreign Power or of the nationals thereof to install or operate, without its express consent, radio stations in legation grounds, settlements, concessions, leased territories, railway areas, or other similar areas."

### **Railways in China.**

In addition to the resolutions already mentioned relating to unfair discrimination, a general resolution was adopted by the Conference in relation to railways in China:

"The Powers represented in this Conference record their hope that to the utmost degree consistent with legitimate existing rights, the future development of railways in China shall be so conducted as to enable the Chinese Government to effect the unification of railways into a railway system under Chinese control, with such foreign financial and technical assistance as may prove necessary in the interests of that system."

And China placed the following declaration as to railways upon the records of the Conference:

"The Chinese Delegation notes with sympathetic appreciation the expression of the hope of the Powers that the existing and

future railways of China may be unified under the control and operation of the Chinese Government with such foreign financial and technical assistance as may be needed. It is our intention as speedily as possible to bring about this result. It is our purpose to develop existing and future railways in accordance with a general programme that will meet the economic, industrial, and commercial requirements of China. It will be our policy to obtain such foreign financial and technical assistance as may be needed from the Powers in accordance with the principles of the Open Door or equal opportunity; and the friendly support of these Powers will be asked for the effort of the Chinese Government to bring all the railways of China, now existing or to be built, under its effective and unified control and operation."

### **Chinese Customs Tariff.**

Important action was taken with respect to the Chinese customs tariff, and the Resolutions adopted upon this subject by the Conference were embodied in a Treaty signed on February 6th. In presenting this Treaty to the Conference, Senator Underwood reviewed the history of Chinese customs, and stated the purpose and effect of the Treaty. In view of the intricacy of the matter, this statement is given in full, as follows:

"I realize fully that the Delegates seated at this table understand why the Nine Powers have agreed with China on the adoption of a customs tariff, but in this Twentieth Century treaties have ceased to be compacts of governments, and if they are to live and survive must be the understandings of the people themselves.

"It may seem an anomaly to the people of the world who have not studied this question that this Conference, after declaring that they recognize the sovereignty and territorial integrity of China, should engage with China in a compact about a domestic matter that is a part of her sovereignty, and to announce the treaty without an explanation may lead to misunderstanding, and therefore I ask the patience of the Conference for a few minutes that I may put in the record a statement of the historic facts that have led up to present conditions, that makes it necessary that this Conference should enter into this agreement.

"The conclusions which have been reached with respect to the Chinese maritime customs tariff are two in number, the first being in the form of an agreement for an immediate revision of existing schedules, so as to bring the rate of duty up to a basis of 5 per cent effective. The second is in the form of a treaty and provides for a special conference which shall be empowered to levy surtaxes and to make other arrangements for increasing the customs schedules above the rate of 5 per cent effective.

"In order to understand the nature and the reasons for these agreements, it is well to bear in mind the historical background of the present treaty adjustment, which places such a large control of the Chinese customs in the hands of foreign powers.



"The origin of the Chinese customs tariff dates back to the Fourteenth Century, but the administration system was of such a nature that constant friction arose with foreign merchants engaged in trade with that country, and culminated in an acute controversy relating to the smuggling of opium, sometimes known as the Opium War of 1839-1842.

"This controversy ended in 1842 with the Treaty of Nankin, between China and Great Britain. The Treaty of Nankin marked the beginning of Chinese relations on a recognized legal basis with the countries of the Western World, and is likewise the beginning of the history of China's present tariff system.

"By the Treaty of Nankin it was agreed that five ports should be opened for foreign trade, and that a fair and regular tariff of export and import customs and other dues should be published.

"In a subsequent treaty of October 8, 1843, a tariff schedule was adopted for both imports and exports, based on the general rate of 5 per cent ad valorem.

"In 1844 the first treaty between China and the United States was concluded. In this treaty the tariff upon which China had agreed with Great Britain was made an integral part of its provisions, and most-favored-nation treatment was secured for the United States in the following terms:

"Citizens of the United States resorting to China shall in no case be subject to other or higher duties than are or shall be required of the people of any other nation whatever, and if additional advantages or privileges of whatever description be conceded hereafter by China to any other nation, the United States and the citizens thereof shall be entitled thereupon to a complete, equal, and impartial participation in the same."

"In the same year a similar treaty between China and France was concluded, and in 1847 a like treaty was entered into with Sweden and Norway.

"After an interval of a little over a decade, friction again developed and a war ensued.

"In 1851, when negotiations were again resumed, silver had fallen in value, prices of foreign commodities had changed, and the former schedule of duties no longer represented the rate of 5 per cent ad valorem.

"In 1858 China concluded what was known as the Tientsin Treaty with the United States, Russia, Great Britain, and France.

"The British Treaty, which was the most comprehensive, being completed by agreement as to the tariff and rules of trade, was signed at Shanghai on November 8, 1858. By this agreement a schedule of duties was provided to take the place of the schedule previously in force. Most of the duties were specific, calculated on the basis of 5 per cent of the then prevailing values of articles.

"The tariff schedule thus adopted in 1858 underwent no revision except in reference to opium until 1902.

"The beginning of foreign administrative supervision of the Chinese maritime customs dates back to the time of the Taiping

Rebellion, when, in September, 1853, the city of Shanghai was captured by the Taiping rebels. As a consequence the Chinese customs was closed and foreign merchants had no offices to collect customs duties.

"In order to meet the emergency, the foreign consuls collected the duties until June 29, 1854, when an agreement was entered into with the British, American, and French consuls for the establishment of a foreign board of inspectors. Under this agreement a board of foreign inspectors was appointed, and continued in office until 1858, when the tariff commission met and agreed to rules of trade, of which Article X provided that a uniform customs system should be enforced at every port, and that a high officer should be appointed by the Chinese government to superintend the foreign trade, and that this officer might select any British subject whom he might see fit to aid him in the administration of the customs revenue, and in a number of other matters connected with commerce and navigation. In 1914, just as the Great War was breaking, there were 1,357 foreigners in the Chinese customs service, representing twenty nationalities among a total of 7,441 employees.

"It is appropriate to observe that the present administrative system has given very great satisfaction in the matter of its efficiency and its fairness to the interests of all concerned, and in that connection I desire to say that, when the consideration of this tariff treaty was before the Subcommittee that prepared it, there was a general and I may say universal sentiment about the table from the Delegates representing the Nine Powers, that on account of the disturbed conditions in China to-day, unsettled governmental conditions, it was desirous, if it met with the approval of China, that there should be no disturbance at this time of the present administration of the customs system, and in response to that sentiment, which was discussed at the table, Dr. Koo, speaking for the Chinese Government, made a statement which I have been directed by the full committee to report to this Plenary Session, which is as follows:

"The Chinese Delegation has the honor to inform the Committee on the Far Eastern Questions of the Conference on the Limitation of Armament that the Chinese Government have no intention to effect any change which may disturb the present administration of the Chinese Maritime Customs."

"Speaking only for myself, desiring that in the not distant future China may have the opportunity when she has a parliamentary government established in China, representing her people, to exercise in every respect her full sovereignty, I hope the day may come in the not far distant future when China will regulate her own customs tariffs.

"But for the present, on account of the disturbed conditions in China, it is manifest that there must be an agreement and understanding between China and the other nations involved in her trade, and I want to say that this agreement as it is presented to the Conference as of to-day, meets the approbation and the approval of the representatives of the Chinese Government.

"Between the period of 1869 and 1901 a series of agreements were entered into which established special tariff privileges with various powers respecting movements of trade. This period culminated in a greatly involved state of affairs which led to the Boxer Revolution, out of which grew the doctrine of the Open Door.

"In 1902, in accordance with the terms of the Boxer protocol, a commission met at Shanghai to revise the tariff schedule. This revision applied only to the import duties and to the free list. Most of the duties were specific in character, and the remainder were at five per cent ad valorem. Nonenumerated goods were to pay 5 per cent ad valorem. All the duties remained subject to the restrictions of the earlier treaties, and those of the export duties which are still in force, are the specific duties contained in the schedule of 1858.

"In 1902, a treaty was concluded between China and Great Britain which laid a basis for the subsequent treaties between China and the United States and China and Japan in 1903, along similar lines. In the preamble of the British treaty, the Chinese Government undertakes to discard completely the system of levying likin and other dues on goods at the place of production, in transit and at destination.

"The British Government in turn consents to allow a surtax on foreign goods imported by British subjects, the amount of this surtax on imports not to exceed the equivalent of one and one-half times the existing import duty. The levy of this additional surtax being contingent upon the abolition of the likin has never gone into effect, but remains, nevertheless, the broad basis upon which the general schedules of Chinese tariff duties may be increased.

"It is clear from the foregoing brief summary that two measures were necessary in dealing with the Chinese customs, the first being that of the revising of the tariff schedules as they exist, so as to make them conform to the rate of five per cent effective, as provided by the treaty.

"Second, to pave the way for the abolition of the likin, which constitutes the basis of higher rates. In the meantime, however, it is recognized that the Chinese Government requires additional revenue, and in order that this may be supplied, a special conference is charged with the levying of a surtax of two and one-half per cent on ordinary duties, and a surtax of five per cent on the luxuries, in addition to the established rate of five per cent effective.

"In 1896, an agreement was made between Russia and China for the construction of the Chinese Eastern Railway, and as a part of this agreement, merchandise entering China from Russia was allowed to pass the border at one-third less than the conventional customs duties. Afterwards, similar reductions were granted to France, Japan, and Great Britain, where the merchandise entered China across her land borders and not by sea.

"This discrimination was unfair to the other nations, and not the least important paragraph in the proposed treaty is the one that abolishes this discrimination entirely.

"I will not read the formal parts of the treaty, and merely read the articles that are substantive.

"The first article reads:

"ARTICLE I.

"The representatives of the Contracting Powers having adopted, on the fourth day of February, 1922, in the City of Washington, a Resolution, which is appended as an Annex to this Article, with respect to the revision of Chinese Customs duties, for the purpose of making such duties equivalent to an effective 5 per centum ad valorem, in accordance with existing treaties concluded by China with other nations, the Contracting Powers hereby confirm the said Resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible, but not earlier than two months after publication thereof.

"Then follows an Annex. It was intended originally for a separate resolution by the Conference to make the present rate effective. As I have stated, the rates of Chinese customs tariff were five per cent ad valorem, but they have been worked into specific rates, and China was not receiving under the old customs system the amount of revenue that she was entitled to under her treaty. But it was found when it was proposed to pass this merely as a resolution, that as these rates had been fixed in some of the treaties and specifically named, it was necessary to include the resolution in the treaty so that it would abolish the binding power of the treaties that had already been made and substitute this new provision in their stead.

"The Annex reads as follows:

"ANNEX.

"With a view to providing additional revenue to meet the needs of the Chinese Government, the Powers represented at this Conference, namely, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal agree:

"That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective, as provided for in the several commercial treaties to which China is a party.

"A Revision Commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

"This Commission shall be composed of representatives of the Powers above named and of representatives of any additional Powers having Governments at present recognized by the Powers represented at this Conference and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent ad valorem and who desire to participate therein.

"The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this Resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern questions.

"The revised tariff shall become effective as soon as possible, but not earlier than two months after its publication by the Revision Commission.

"The Government of the United States, as convener of the present Conference, is requested forthwith to communicate the terms of this Resolution to the Governments of Powers not represented at this Conference, but who participated in the Revision of 1918, aforesaid."

"Then the actual treaty provisions are incorporated, beginning with ARTICLE II.

#### "ARTICLE II.

"Immediate steps shall be taken, through a Special Conference, to prepare the way for the speedy abolition of likin and for the fulfillment of the other conditions laid down in Article VIII of the Treaty of September 5th, 1902, between Great Britain and China, in Articles IV and V of the Treaty of October 8, 1903, between the United States and China, and in Article I of the Supplementary Treaty of October 8, 1903, between Japan and China, with a view to levying the surtaxes provided for in those articles.

"The Special Conference shall be composed of representatives of the Signatory Powers, and of such other Powers as may desire to participate, and may adhere to the present Treaty, in accordance with the provisions of Article VIII, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present Treaty, on a day and at a place to be designated by the Chinese Government.

#### "ARTICLE III.

"The Special Conference provided for in Article II shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties mentioned in Article II; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

"The surtax shall be at a uniform rate of 2½ per centum ad valorem, provided, that in case of certain articles of luxury which, in the opinion of the Special Conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased but may not exceed 5 per centum ad valorem.

#### "ARTICLE IV.

"Following the immediate revision of the customs schedule of duties on imports into China, mentioned in Article I, there shall

be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to ensure that the customs duties shall correspond to the ad valorem rates fixed by the Special Conference provided for in Article II.

"Following this further revision there shall be, for the same purpose, periodical revisions of the customs schedule of duties on imports into China every seven years, in lieu of the decennial revision authorized by existing treaties with China.

"In order to prevent delay, any revision made in pursuance of this Article shall be effected in accordance with rules to be prescribed by the Special Conference provided for in Article II.

#### "ARTICLE V.

"In all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all the Contracting Powers.

#### "ARTICLE VI.

"The principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized. The Special Conference provided for in Article II shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage.

"In the meantime, any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present Treaty, shall be levied at a uniform rate ad valorem at all land and maritime frontiers of China.

#### "ARTICLE VII.

"The charge for transit passes shall be at the rate of 2½ per centum ad valorem until the arrangements provided for by Article II come into force.

#### "ARTICLE VIII.

"Powers not signatory to the present Treaty whose Governments are at present recognized by the Signatory Powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per centum, ad valorem, shall be invited to adhere to the present Treaty.

"The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

"ARTICLE IX.

"The provisions of the present Treaty shall override all stipulations of treaties between China and the respective Contracting Powers which are inconsistent therewith, other than stipulations according most-favored nation treatment."

\* \* \* \* \*

"In conclusion, I can say that the adoption of this treaty and putting it into effect will in all probability double the existing revenues of China received from maritime and inland customs. I say in all human probability, because the amount of revenue of course is governed by the amount of imports and exports coming into a country and going out of a country, and of course no one can predict with absolute certainty."

**Reduction of Chinese Military Forces.**

In connection with the discussion of the Chinese revenue, and of the disturbed political conditions in China, the following resolution was adopted expressing the hope that the military forces of China might speedily be reduced:

"Whereas the Powers attending this Conference have been deeply impressed with the severe drain on the public revenue of China through the maintenance in various parts of the country, of military forces, excessive in number and controlled by the military chiefs of the provinces without coordination;

"And whereas the continued maintenance of these forces appears to be mainly responsible for China's present unsettled political conditions;

"And whereas it is felt that large and prompt reductions of these forces will not only advance the cause of China's political unity and economic development but will hasten her financial rehabilitation;

"Therefore, without any intention to interfere in the internal problems of China, but animated by the sincere desire to see China develop and maintain for herself an effective and stable government alike in her own interest and in the general interest of trade;

"And being inspired by the spirit of this Conference whose aim is to reduce, through the limitation of armament, the enormous disbursements which manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity:

"It is resolved: That this Conference express to China the earnest hope that immediate and effective steps may be taken by the Chinese Government to reduce the aforesaid military forces and expenditures."

**Existing Commitments.**

In order to insure complete information as to all commitments relating to China and also to provide in the future for suitable

publicity, in regard to agreements that may hereafter be made by or with respect to China, the following resolutions were adopted:

"The Powers represented in this Conference, considering it desirable that there should hereafter be full publicity with respect to all matters affecting the political and other international obligations of China and of the several Powers in relation to China, are agreed as follows:

"1. The several Powers other than China will at their earliest convenience file with the Secretariat General of the Conference for transmission to the participating Powers, a list of all treaties, conventions, exchange of notes, or other international agreements which they may have with China, or with any other Power or Powers in relation to China, which they deem to be still in force and upon which they may desire to rely. In each case, citations will be given to any official or other publication in which an authoritative text of the documents may be found. In any case in which the document may not have been published, a copy of the text (in its original language or languages) will be filed with the Secretariat General of the Conference.

"Every Treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days of its conclusion to the Powers who are signatories of or adherents to this agreement.

"II. The several Powers other than China will file with the Secretariat General of the Conference at their earliest convenience, for transmission to the participating Powers, a list, as nearly complete as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities, of the other part, which involve any concession, franchise, option, or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involve a lien upon any of the public revenues or properties of the Chinese Government or of any of its administrative subdivisions. There shall be, in the case of each document so listed, either a citation to a published text, or a copy of the text itself.

"Every contract of the public character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to this agreement.

"III. The Chinese Government agrees to notify in the conditions laid down in this agreement every treaty agreement or contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any local authority in China with any foreign Power or the nationals of any foreign Power whether party to this agreement or not, so far as the information is in its possession.



"IV. The Governments of Powers having treaty relations with China, which are not represented at the present Conference, shall be invited to adhere to this agreement."

It will be observed that the only object and requirement of these resolutions is appropriate publicity.

### **The Twenty-One Demands.**

The Chinese Delegation presented for the consideration of the Conference the questions arising upon what are called the "Twenty-One Demands," including the Sino-Japanese Treaties and Notes of 1915. The position of the Japanese Government, the Chinese Government, and the American Government was set forth in statements on behalf of each, which were placed upon the records of the Conference.

The statement made by Baron Shidehara on behalf of the Japanese Delegation was as follows:

'At a previous session of this Committee, the Chinese Delegation presented a statement urging that the Sino-Japanese Treaties and Notes of 1915 be reconsidered and cancelled. The Japanese Delegation, while appreciating the difficult position of the Chinese Delegation, does not feel at liberty to concur in the procedure now resorted to by China with a view to cancellation of international engagements which she entered into as a free sovereign nation.

"It is presumed that the Chinese Delegation has no intention of calling in question the legal validity of the compacts of 1915, which were formally signed and sealed by the duly authorized representatives of the two Governments, and for which the exchange of ratifications was effected in conformity with established international usages. The insistence by China on the cancellation of those instruments would in itself indicate that she shares the view that the compacts actually remain in force and will continue to be effective, unless and until they are cancelled.

"It is evident that no nation can have given ready consent to cessions of its territorial or other rights of importance. If it should once be recognized that rights solemnly granted by treaty may be revoked at any time on the ground that they were conceded against the spontaneous will of the grantor, an exceedingly dangerous precedent will be established, with far-reaching consequences upon the stability of the existing international relations in Asia, in Europe, and everywhere.

"The statement of the Chinese Delegation under review declares that China accepted the Japanese demands in 1915, hoping that a day would come when she should have the opportunity of bringing them up for reconsideration and cancellation. It is, however, difficult to understand the meaning of this assertion. It can not be the intention of the Chinese Delegation to intimate that China may conclude a treaty with any thought in mind of breaking it at the first opportunity.

"The Chinese Delegation maintains that the Treaties and Notes in question are derogatory to the principles adopted by the Conference with regard to China's sovereignty and independence. It has, however, been held by the Conference on more than one occasion that concessions made by China *ex contractu*, in the exercise of her own sovereign rights, can not be regarded as inconsistent with her sovereignty and independence.

"It should also be pointed out that the term 'Twenty-one Demands,' often used to denote the Treaties and Notes of 1915, is inaccurate and grossly misleading. It may give rise to an erroneous impression that the whole original proposals of Japan had been pressed by Japan and accepted *in toto* by China. As a matter of fact, not only 'Group V' but also several other matters contained in Japan's first proposals were eliminated entirely or modified considerably, in deference to the wishes of the Chinese Government, when the final formula was presented to China for acceptance. Official records published by the two Governments relating to those negotiations will further show that the most important terms of the Treaties and Notes, as signed, had already been virtually agreed to by the Chinese negotiators before the delivery of the ultimatum, which then seemed to the Japanese Government the only way of bringing the protracted negotiations to a speedy close.

"The Japanese Delegation can not bring itself to the conclusion that any useful purpose will be served by research and re-examination at this Conference of old grievances which one of the nations represented here may have against another. It will be more in line with the high aim of the Conference to look forward to the future with hope and confidence.

"Having in view, however, the changes which have taken place in the situation since the conclusion of the Sino-Japanese Treaties and Notes of 1915, the Japanese Delegation is happy to avail itself of the present occasion to make the following declaration:

"1. Japan is ready to throw open to the joint activity of the International Financial Consortium recently organized the right of option granted exclusively in favor of Japanese capital, with regard, first, to loans for the construction of railways in South Manchuria and Eastern Inner Mongolia, and, second, to loans to be secured on taxes in that region; it being understood that nothing in the present declaration shall be held to imply any modification or annulment of the understanding recorded in the officially announced notes and memoranda which were exchanged among the Governments of the countries represented in the Consortium and also among the national financial groups composing the Consortium, in relation to the scope of the joint activity of that organization.

"2. Japan has no intention of insisting on her preferential right under the Sino-Japanese arrangements in question concerning the engagement by China of Japanese advisers or instructors on political, financial, military or police matters in South Manchuria.

"3. Japan is further ready to withdraw the reservation which she made, in proceeding to the signature of the Sino-Japanese

Treaties and Notes of 1915, to the effect that Group V of the original proposals of the Japanese Government would be postponed for future negotiations.

"It would be needless to add that all matters relating to Shantung contained in those Treaties and Notes have now been definitely adjusted and disposed of.

"In coming to this decision, which I have had the honor to announce, Japan has been guided by a spirit of fairness and moderation, having always in view China's sovereign rights and the principle of equal opportunity."

In response Chief Justice Wang made the following statement for the Chinese Government:

"The Chinese Delegation has taken note of the statement of Baron Shidehara made at yesterday's session of the Committee with reference to the Sino-Japanese Treaties and Notes of May 25, 1915.

"The Chinese Delegation learns with satisfaction that Japan is now ready to throw open to the joint activity of the banking interests of other Powers the right of option granted exclusively in favor of Japanese capital with regard, first, to loans for the construction of railways in South Manchuria and Eastern Inner Mongolia, and, second, to loans secured on taxes in that region; and that Japan has no intention of insisting upon a preferential right concerning the engagement by China of Japanese advisors or instructors on political, financial, military, or police matters in South Manchuria; also that Japan now withdraws the reservation which she made to the effect that Group V of her original demands upon China should be postponed for future negotiation.

"The Chinese Delegation greatly regrets that the Government of Japan should not have been led to renounce the other claims predicated upon the Treaties and Notes of 1915.

"The Japanese Delegation expressed the opinion that abrogation of these agreements would constitute 'an exceedingly dangerous precedent,' 'with far-reaching consequences upon the stability of the existing international relations in Asia, in Europe, and everywhere.'

"The Chinese Delegation has the honor to say that a still more dangerous precedent will be established with consequences upon the stability of international relations which can not be estimated, if, without rebuke or protest from other Powers, one nation can obtain from a friendly, but in a military sense, weaker neighbor, and under circumstances such as attended the negotiation and signing of the Treaties of 1915, valuable concessions which were not in satisfaction of pending controversies and for which no *quid pro quo* was offered. These treaties and notes stand out, indeed, unique in the annals of international relations. History records scarcely another instance in which demands of such a serious character as those which Japan presented to China in 1915, have, without even pretense of provocation, been suddenly presented by one nation to another nation with which it was at the time in friendly relations.

"No apprehension need be entertained that the abrogation of the agreements of 1915 will serve as a precedent for the annul-

ment of other agreements, since it is confidently hoped that the future will furnish no such similar occurrences.

"So exceptional were the conditions under which the agreements of 1915 were negotiated, the Government of the United States felt justified in referring to them in the identic note of May 13, 1915, which it sent to the Chinese and Japanese Governments. That note began with the statement that 'in view of the circumstances which have taken place and which are now pending between the Government of China and the Government of Japan and of the agreements which have been reached as the result thereof, the Government of the United States has the honor to notify the Government of the Chinese Republic (Japan) that it can not recognize any agreement or undertaking which has been entered into between the Governments of China and Japan impairing the treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of China, or the international policy relative to China commonly known as the Open Door Policy.'

"Conscious of her obligations to the other Powers, the Chinese Government, immediately after signing the agreements, published a formal statement protesting against the agreements which she had been compelled to sign, and disclaiming responsibility for consequent violations of treaty rights of the other Powers. In the statement thus issued, the Chinese Government declared that although they were 'constrained to comply in full with the terms of the (Japanese) ultimatum' they nevertheless 'disclaim any desire to associate themselves with any revision which may be thus effected, of the various conventions and agreements concluded between the other Powers in respect of the maintenance of China's territorial independence and integrity, the preservation of the *status quo*, and the principle of equal opportunity for the commerce and industry of all nations in China.'

"Because of the essential injustice of these provisions, the Chinese Delegation, acting in behalf of the Chinese Government and of the Chinese people, has felt itself in duty bound to present to this Conference, representing the Powers with substantial interests in the Far East, the question as to the equity and justice of these agreements and therefore as to their fundamental validity.

"If Japan is disposed to rely solely upon a claim as to the technical or juristic validity of the agreements of 1915, as having been actually signed in due form by the two Governments, it may be said that so far as this Conference is concerned, the contention is largely irrelevant, for this gathering of the representatives of the nine Powers has not had for its purpose the maintenance of the legal *status quo*. Upon the contrary, the purpose has been, if possible, to bring about such changes in existing conditions upon the Pacific and in the Far East as might be expected to promote that enduring friendship among the nations of which the President of the United States spoke in his letter of invitation to the Powers to participate in this Conference.

"For the following reasons, therefore, the Chinese Delegation is of the opinion that the Sino-Japanese Treaties and Ex-

change of Notes of May 25, 1915, should form the subject of impartial examination with a view to their abrogation:

"1. In exchange for the concessions demanded of China, Japan offered no *quid pro quo*. The benefits derived from the agreements were wholly unilateral.

"2. The agreements, in important respects, are in violation of treaties between China and the other powers.

"3. The agreements are inconsistent with the principles relating to China which have been adopted by the Conference.

"4. The agreements have engendered constant misunderstandings between China and Japan, and, if not abrogated, will necessarily tend, in the future, to disturb friendly relations between the two countries, and will thus constitute an obstacle in the way of realizing the purpose for the attainment of which this Conference was convened. As to this, the Chinese Delegation, by way of conclusion, can, perhaps, do no better than quote from a Resolution introduced in the Japanese Parliament, in June, 1915, by Mr. Hara, later Premier of Japan, a Resolution which received the support of some one hundred and thirty of the members of the Parliament.

"The Resolution reads:

"*'Resolved*, that the negotiations carried on with China by the present Government have been inappropriate in every respect; that they are detrimental to the amicable relationship between the two countries, and provocative of suspicions on the part of the Powers; that they have the effect of lowering the prestige of the Japanese Empire; and that, while far from capable of establishing the foundation of peace in the Far East, they will form the source of future trouble.'

"The foregoing declaration has been made in order that the Chinese Government may have upon record the view which it takes, and will continue to take, regarding the Sino-Japanese Treaties and Exchanges of Notes of May 25, 1915."

The attitude and policy of the American Government was thus stated by the Secretary of State of the United States:

"The important statement made by Baron Shidehara on behalf of the Japanese Government makes it appropriate that I should refer to the position of the Government of the United States as it was set forth in identical notes addressed by that Government to the Chinese Government and to the Japanese Government on May 13, 1915.

"The note to the Chinese Government was as follows:

'In view of the circumstances of the negotiations which have taken place and which are now pending between the Government of China and the Government of Japan and of the agreements which have been reached as a result thereof, the Government of the United States has the honor to notify the Government of the Chinese Republic that it can not recognize any agreement or undertaking which has been entered into or which may be entered into between the Governments of China and Japan impairing the Treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of

China, or the international policy relative to China commonly known as the Open Door Policy.

'An identical note has been transmitted to the Imperial Japanese Government.'

"That statement was in accord with the historic policy of the United States in its relation to China, and its position as thus stated has been, and still is, consistently maintained.

"It has been gratifying to learn that the matters concerning Shantung, which formed the substance of Group I of the original demands, and were the subject of the Treaty and exchange of notes with respect to the province of Shantung, have been settled to the mutual satisfaction of the two parties by negotiations conducted collaterally with this Conference, as reported to the Plenary Session on February 1st.

"It is also gratifying to be advised by the statement made by Baron Shidehara on behalf of the Japanese Government that Japan is now ready to withdraw the reservation which she made, in proceeding to the signature of the treaties and notes of 1915, to the effect that Group V of the original proposals of the Japanese Government—namely, those concerning the employment of influential Japanese as political, financial and military advisers; land for schools and hospitals; certain railways in South China; the supply of arms, and the right of preaching—would be postponed for future negotiations. This definite withdrawal of the outstanding questions under Group V removes what has been an occasion for considerable apprehension on the part alike of China and of foreign nations which felt that the renewal of these demands could not but prejudice the principles of the Integrity of China and of the Open Door.

"With respect to the Treaty and the notes concerning South Manchuria and Eastern Inner Mongolia, Baron Shidehara has made the reassuring statement that Japan has no intention of insisting on a preferential right concerning the engagement by China of Japanese advisers or instructors on political, financial, military or police matters in South Manchuria.

"Baron Shidehara has likewise indicated the readiness of Japan not to insist upon the right of option granted exclusively in favor of Japanese capital with regard, first, to loans for the construction of railways in South Manchuria and Eastern Inner Mongolia; and, second, with regard to loans secured on the taxes of these regions; but that Japan will throw them open to the joint activity of the international financial Consortium recently organized.

"As to this, I may say that it is doubtless the fact that any enterprise of the character contemplated, which may be undertaken in these regions by foreign capital, would in all probability be undertaken by the Consortium. But it should be observed that existing treaties would leave the opportunity for such enterprises open on terms of equality to the citizens of all nations. It can scarcely be assumed that this general right of the Treaty Powers of China can be effectively restricted to the nationals of those countries which are participants in the work of the Consortium, or that any of the Governments which have

taken part in the organization of the Consortium would feel themselves to be in a position to deny all rights in the matter to any save the members of their respective national groups in that organization. I, therefore, trust that it is in this sense that we may properly interpret the Japanese Government's declaration of willingness to delinquit its claim under the 1915 treaties to any exclusive position with respect to railway construction and to financial operations secured upon local revenues, in South Manchuria and Eastern Inner Mongolia.

"It is further to be pointed out that by Articles II, III, and IV of the Treaty of May 25, 1915, with respect to South Manchuria and Eastern Inner Mongolia, the Chinese Government granted to Japanese subjects the right to lease land for building purposes, for trade and manufacture, and for agricultural purposes in South Manchuria, to reside and travel in South Manchuria, and to engage in any kind of business and manufacture there, and to enter into joint undertakings with Chinese citizens in agriculture and similar industries in Eastern Inner Mongolia.

"With respect to this grant, the Government of the United States will, of course, regard it as not intended to be exclusive, and, as in the past, will claim from the Chinese Government for American citizens the benefits accruing to them by virtue of the most favored nation clauses in the treaties between the United States and China.

"I may pause here to remark that the question of the validity of treaties as between Japan and China is distinct from the question of the treaty rights of the United States under its treaties with China; these rights have been emphasized and consistently asserted by the United States.

"In this, as in all matters similarly affecting the general right of its citizens to engage in commercial and industrial enterprises in China, it has been the traditional policy of the American Government to insist upon the doctrine of equality for the nationals of all countries, and this policy, together with the other policies mentioned in the note of May 13, 1915, which I have quoted, are consistently maintained by this government. I may say that it is with especial pleasure that the Government of the United States finds itself now engaged in the act of reaffirming and defining, and I hope that I may add, revitalizing, by the proposed Nine-Power Treaty, these policies with respect to China."

This review of the action of the Conference in relation to China can not properly be closed without referring to the important declaration made by Baron Shidehara on behalf of the Japanese Delegation at the close of the Conference. In this declaration Baron Shidehara made clear what is meant by Japan in referring to her "special interests" in China. As thus defined these special interests are not claimed to connote either political domination or exclusive privileges, or any "claim or pretension" prejudicial to China or

to any other foreign nation, or any antagonism to the principle of the open door and equal opportunity. Baron Shidehara said:

"We are vitally interested in a speedy establishment of peace and unity in China and in the economic development of her vast natural resources. It is, indeed, to the Asiatic mainland that we must look primarily for raw materials and for the markets where our manufactured articles may be sold. Neither raw materials nor the markets can be had unless order, happiness, and prosperity reign in China, under good and stable government. With hundreds of thousands of our nationals resident in China, with enormous amounts of our capital invested there, and with our own national existence largely dependent on that of our neighbor, we are naturally interested in that country to a greater extent than any of the countries remotely situated.

"To say that Japan has special interests in China is simply to state a plain and actual fact. It intimates no claim or pretension of any kind prejudicial to China or to any other foreign nation.

"Nor are we actuated by any intention of securing preferential or exclusive economic rights in China. Why should we need them? Why should we be afraid of foreign competition in the Chinese market provided it is conducted squarely and honestly? Favored by geographical position, and having fair knowledge of the actual requirements of the Chinese people, our traders and business men can well take care of themselves in their commercial, industrial, and financial activities in China, without any preference or exclusive rights.

"We do not seek any territory in China, but we do seek a field of economic activity beneficial as much to China as to Japan, based always on the principle of the open door and equal opportunity."

### **Siberia.**

Questions directly affecting Russian (or Siberian) interests were only two, viz, the question of the continued presence of Japanese troops in certain Russian territory, and that relating to the affairs of the Chinese Eastern Railway.

With respect to the first, statements were made by Japan and the United States and spread upon the minutes of the Conference. M. Sarraut, on behalf of France, also made a statement supporting in general terms the position of the United States and expressing confidence that Japan would fulfill its promises eventually to withdraw its forces from Russian territory, and in general to respect the integrity of Russia.

The statement by Baron Shidehara on behalf of Japan was as follows:

"The Military expedition of Japan to Siberia was originally undertaken in common accord and in cooperation with the United States in 1918. It was primarily intended to render



assistance to the Czecho-Slovak troops who in their homeward journey across Siberia from European Russia, found themselves in grave and pressing danger at the hands of hostile forces under German command. The Japanese and American expeditionary forces together with other allied troops fought their way from Vladivostok far into the region of the Amur and the Trans-Baikal Provinces to protect the railway lines which afforded the sole means of transportation of the Czecho-Slovak troops from the interior of Siberia to the port of Vladivostok. Difficulties which the Allied forces had to encounter in their operations in the severe cold winter of Siberia were immense.

"In January, 1920, the United States decided to terminate its military undertaking in Siberia, and ordered the withdrawal of its forces. For some time thereafter Japanese troops continued alone to carry out the duty of guarding several points along the Trans-Siberian Railways in fulfillment of Inter-Allied arrangements and of affording facilities to the returning Czecho-Slovaks.

"The last column of Czecho-Slovak troops safely embarked from Vladivostok in September, 1920. Ever since then Japan has been looking forward to an early moment for the withdrawal of her troops from Siberia. The maintenance of such troops in a foreign land is for her a costly and thankless undertaking, and she will be only too happy to be relieved of such responsibility. In fact, the evacuation of the Trans-Baikal and the Amur Provinces was already completed in 1920. The only region which now remains to be evacuated is a southern portion of the Maritime Province around Vladivostok and Nikolsk.

"It will be appreciated that for Japan the question of the withdrawal of troops from Siberia is not quite as simple as it was for other Allied Powers. In the first place, there is a considerable number of Japanese residents who had lawfully and under guarantees of treaty established themselves in Siberia long before the Bolshevik eruption, and were there entirely welcomed. In 1917, prior to the Joint American-Japanese military enterprise, the number of such residents was already no less than 9,717. In the actual situation prevailing there, those Japanese residents can hardly be expected to look for the protection of their lives and property to any other authorities than Japanese troops. Whatever districts those troops have evacuated in the past have fallen into disorder, and practically all Japanese residents have had precipitately to withdraw, to seek for their personal safety. In so withdrawing, they have been obliged to leave behind large portions of their property, abandoned and unprotected, and their homes and places of business have been destroyed. While the hardships and losses thus caused the Japanese in the Trans-Baikal and the Amur provinces have been serious enough, more extensive damages are likely to follow from the evacuation of Vladivostok in which a larger number of Japanese have always been resident and a greater amount of Japanese capital invested.

"There is another difficulty by which Japan is faced in proceeding to the recall of her troops from the Maritime Province.

Due to geographical propinquity, the general situation in the districts around Vladivostok and Nikolsk is bound to affect the security of Korean frontier. In particular, it is known that these districts have long been the base of Korean conspiracies against Japan. Those hostile Koreans, joining hands with lawless elements in Russia, attempted in 1920 to invade Korea through the Chinese territory of Chientae. They set fire to the Japanese Consulate at Hunchun, and committed indiscriminate acts of murder and pillage. At the present time they are under the effective control of Japanese troops stationed in the Maritime Province, but they will no doubt renew the attempt to penetrate into Korea at the first favorable opportunity that may present itself.

"Having regard to those considerations, the Japanese Government have felt bound to exercise precaution in carrying out the contemplated evacuation of the Maritime Province. Should they take hasty action without adequate provision for the future they would be delinquent in their duty of affording protection to a large number of their nationals resident in the districts in question and of maintaining order and security in Korea.

"It should be made clear that no part of the Maritime Province is under Japan's military occupation. Japanese troops are still stationed in the southern portion of that Province, but they have not set up any civil or military administration to displace local authorities. Their activity is confined to measures of self-protection against the menace to their own safety and to the safety of their country and nationals. They are not in occupation of those districts any more than American or other Allied troops could be said to have been in occupation of the places in which they were formerly stationed.

"The Japanese Government are anxious to see an orderly and stable authority speedily reestablished in the Far Eastern possessions of Russia. It was in this spirit that they manifested a keen interest in the patriotic but ill-fated struggle of Admiral Kolchak. They have shown readiness to lend their good offices for prompting the reconciliation of various political groups in Eastern Siberia. But they have carefully refrained from supporting one faction against another. It will be recalled, for instance, that they withheld all assistance from General Rozanow against the revolutionary movements which led to his overthrow in January, 1920. They maintained an attitude of strict neutrality, and refused to interfere in these movements, which it would have been quite easy for them to suppress if they had so desired.

"In relation to this policy of nonintervention, it may be useful to refer briefly to the past relations between the Japanese authorities and Ataman Semenoff, which seem to have been a source of popular misgiving and speculation. It will be remembered that the growing rapprochement between the Germans and the Bolshevik Government in Russia in the early part of 1918 naturally gave rise to apprehensions in the allied countries that a considerable quantity of munitions supplied by those countries

and stored in Vladivostok might be removed by the Bolsheviks to European Russia for the use of the Germans. Ataman Semenoff was then in Siberia and was organizing a movement to check such Bolshevik activities and to preserve order and stability in that region. It was in this situation that Japan, as well as some of the Allies, began to give support to the Cossack chief. After a few months, such support by the other powers was discontinued. But the Japanese were reluctant to abandon their friend, whose efforts in the allied cause they had originally encouraged; and they maintained for some time their connection with Ataman Semenoff. They had, however, no intention whatever of interfering in the domestic affairs of Russia, and when it was found that the assistance rendered to the Ataman was likely to complicate the internal situation in Siberia, they terminated all relations with him, and no support of any kind has since been extended to him by the Japanese authorities.

"The Japanese Government are now seriously considering plans which would justify them in carrying out their decision of the complete withdrawal of Japanese troops from the Maritime Province, with reasonable precaution for the security of Japanese residents and of the Korean frontier regions. It is for this purpose that negotiations were opened some time ago at Dairen between the Japanese representatives and the agents of the Chita Government.

"Those negotiations at Dairen are in no way intended to secure for Japan any right or advantage of an exclusive nature. They have been solely actuated by a desire to adjust some of the more pressing questions with which Japan is confronted in relation to Siberia. They have essentially in view the conclusion of provisional commercial arrangements, the removal of the existing menace to the security of Japan and to the lives and property of Japanese residents in Eastern Siberia, the provision of guarantees for the freedom of lawful undertakings in that region, and the prohibition of bolshevik propaganda over the Siberian border. Should adequate provisions be arranged on the line indicated the Japanese Government will at once proceed to the complete withdrawal of Japanese troops from the Maritime Province.

"The occupation of certain points in the Russian Province of Sakhalin is wholly different, both in nature and in origin, from the stationing of troops in the Maritime Province. History affords few instances similar to the incident of 1920 at Nikolaievsk, where more than seven hundred Japanese, including women and children, as well as the duly recognized Japanese Consul and his family and his official staff, were cruelly tortured and massacred. No nation worthy of respect will possibly remain forbearing under such a strain of provocation. Nor was it possible for the Japanese Government to disregard the just popular indignation aroused in Japan by the incident. Under the actual condition of things, Japan found no alternative but to occupy, as a measure of reprisal, certain points in the Russian Province of Sakhalin in which the outrage was committed, pending the establishment in Russia of a responsible authority with whom she can communicate in order to obtain due satisfaction.

"Nothing is further from the thought of the Japanese Government than to take advantage of the present helpless conditions of Russia for prosecuting selfish designs. Japan recalls with deep gratitude and appreciation the brilliant rôle which Russia played in the interest of civilization during the earlier stage of the Great War. The Japanese people have shown and will continue to show every sympathetic interest in the efforts of patriotic Russians aspiring to the unity and rehabilitation of their country. The military occupation of the Russian Province of Sakhalin is only a temporary measure, and will naturally come to an end as soon as a satisfactory settlement of the question shall have been arranged with an orderly Russian Government.

"In conclusion, the Japanese Delegation is authorized to declare that it is the fixed and settled policy of Japan to respect the territorial integrity of Russia, and to observe the principle of nonintervention in the internal affairs of that country, as well as the principle of equal opportunity for the commerce and industry of all nations in every part of the Russian possessions."

The reply on behalf of the American Government which was made by the Secretary of State, reviewed the position which the United States had consistently maintained in diplomatic interchanges with Japan and maintained explicitly this attitude of protest. The statement is as follows:

"The American Delegation has heard the statement by Baron Shidehara and has taken note of the assurances given on behalf of the Japanese Government with respect to the withdrawal of Japanese troops from the Maritime Province of Siberia and from the Province of Sakhalin. The American Delegation has also noted the assurance of Japan by her authorized spokesman that it is her fixed and settled policy to respect the territorial integrity of Russia, and to observe the principle of nonintervention in the internal affairs of that country, as well as the principle of equal opportunity for the commerce and industry of all nations in every part of the Russian possessions.

"These assurances are taken to mean that Japan does not seek, through her military operations in Siberia, to impair the rights of the Russian people in any respect, or to obtain any unfair commercial advantages, or to absorb for her own use the Siberian fisheries, or to set up an exclusive exploitation either of the resources of Sakhalin or of the Maritime Province.

"As Baron Shidehara pointed out, the military expedition of Japan to Siberia was originally undertaken in common accord and in cooperation with the United States. It will be recalled that public assurances were given at the outset by both Governments of a firm intention to respect the territorial integrity of Russia and to abstain from all interference in Russian internal politics. In view of the reference by Baron Shidehara to the participation of the American Government in the expedition of 1918, I should like to place upon our records for transmis-

sion to the Conference the purposes which were then clearly stated by both Governments.

"The American Government set forth its aims and policies publicly in July, 1918. The purposes of the expedition were said to be, first, to help the Czecho-Slovaks consolidate their forces; second, to steady any efforts at self-government or self-defense in which the Russians themselves might be willing to accept assistance; and, third, to guard the military stores at Vladivostok.

"The American Government opposed the idea of a military intervention, but regarded military action as admissible at the time solely for the purpose of helping the Czecho-Slovaks consolidate their forces and get into successful cooperation with their Slavic kinsmen, and to steady any efforts at self-government or self-defense in which the Russians themselves might be willing to accept assistance. It was stated that the American Government proposed to ask all associated in this course of action to unite in assuring the people of Russia in the most public and solemn manner that none of the Governments uniting in action either in Siberia or in northern Russia contemplated any interference of any kind with the political sovereignty of Russia, any intervention in her internal affairs, or any impairment of her territorial integrity either now or thereafter, but that each of the Associated Powers had the single object of affording such aid as should be acceptable, and only such aid as should be acceptable, to the Russian people in their endeavor to regain control of their own affairs, their own territory, and their own destiny.

"What I have just stated is found in the public statement of the American Government at that time.

"The Japanese Government, with the same purpose, set forth its position in a statement published by the Japanese Government on August 2, 1918, in which it was said:

"The Japanese Government, being anxious to fall in with the desires of the American Government and also to act in harmony with the Allies in this expedition, have decided to proceed at once to dispatch suitable forces for the proposed mission. A certain number of these troops will be sent forthwith to Vladivostok. In adopting this course, the Japanese Government remain unshaken in their constant desire to promote relations of enduring friendship with Russia and the Russian people, and reaffirm their avowed policy of respecting the territorial integrity of Russia and of abstaining from all interference in her internal politics. They further declare that, upon the realization of the projects above indicated, they will immediately withdraw all Japanese troops from Russian territory and will leave wholly unimpaired the sovereignty of Russia in all its phases, whether political or military."

"The United States of America withdrew its troops from Siberia in the spring of 1920, because it considered that the original purposes of the expedition had either been accomplished or would not longer be subserved by continued military activity in Siberia. The American Government then ceased to be a party

to the expedition, but it remained a close observer of events in Eastern Siberia and has had an extended diplomatic correspondence upon this subject with the Government of Japan.

"It must be frankly avowed that this correspondence has not always disclosed an identity of views between the two Governments. The United States has not been unmindful of the direct exposure of Japan to Bolshevism in Siberia and the special problems which the conditions existing there have created for the Japanese Government, but it has been strongly disposed to the belief that the public assurances given by the two Governments at the inception of the joint expedition nevertheless required the complete withdrawal of Japanese troops from all Russian territory—if not immediately after the departure of the Czecho-Slovak troops, then within a reasonable time.

"As to the occupation of Sakhalin in reprisal for the massacre of the Japanese at Nikolaievsk, the United States, not unimpressed by the serious character of that catastrophe, but, having in mind the conditions accepted by both Governments at the outset of the joint expedition, of which the Nikolaievsk massacres must be considered an incident, it has regretted that Japan should deem necessary the occupation of Russian territory as a means of assuring a suitable adjustment with a future Russian Government.

"The general position of the American Government was set forth in a communication to Japan of May 31, 1921. In that communication appears the following statement:

"The Government of the United States would be untrue to the spirit of cooperation which led it, in the summer of 1918, upon an understanding with the Government of Japan, to dispatch troops to Siberia, if it neglected to point out that, in its view, continued occupation of the strategic centers in Eastern Siberia—involving the indefinite possession of the port of Vladivostok, the stationing of troops at Habarovsk, Nikolaievsk, De Castries, Mago, Sophiesk, and other important points, the seizure of the Russian portion of Sakhalin, and the establishment of a civil administration, which inevitably lends itself to misconception and antagonism—tends rather to increase than to allay the unrest and disorder in that region.

"The military occupation—I am still reading from the note of May 31, 1921—'The military occupation in reprisal for the Nikolaievsk affair is not fundamentally a question of the validity of procedure under the recognized rules of international law.'

"The note goes on to say that 'the issue presented is that of the scrupulous fulfillment of the assurances given to the Russian people, which were a matter of frank exchanges and of apparently complete understanding between the Government of the United States and of Japan. These assurances were intended by the Government of the United States to convey to the people of Russia a promise on the part of the two Governments not to use the joint expedition, or any incidents which might arise out of it, as an occasion to occupy territory, even temporarily, or to

assume any military or administrative control over the people of Siberia.

"Further, in the same note, the American Government stated its position as follows:

"In view of its conviction that the course followed by the Government of Japan brings into question the very definite understanding concluded at the time troops were sent to Siberia, the Government of the United States must in candor explain its position and say to the Japanese Government that the Government of the United States can neither now nor hereafter recognize as valid any claims or titles arising out of the present occupation and control, and that it can not acquiesce in any action taken by the Government of Japan which might impair existing treaty rights or the political or territorial integrity of Russia.

"The Government of Japan will appreciate that, in expressing its views, the Government of the United States has no desire to impute to the Government of Japan motives or purposes other than those which have heretofore been so frankly avowed. The purpose of this Government is to inform the Japanese Government of its own conviction that, in the present time of disorder in Russia, it is more than ever the duty of those who look forward to the tranquilization of the Russian people, and a restoration of normal conditions among them, to avoid all action which might keep alive their antagonism and distrust toward outside political agencies. Now, especially, it is incumbent upon the friends of Russia to hold aloof from the domestic contentions of the Russian people, to be scrupulous to avoid inflicting what might appear to them a vicarious penalty for sporadic acts of lawlessness, and, above all, to abstain from even the temporary and conditional impairment by any foreign Power of the territorial status which, for them as for other peoples, is a matter of deep and sensitive national feeling transcending perhaps even the issues at stake among themselves."

"To that American note the Japanese Government replied in July, 1921, setting forth in substance what Baron Shidehara has now stated to this Committee, pointing out the conditions under which Japan had taken the action to which reference was made, and giving the assurances, which have here been reiterated, with respect to its intention and policy.

"While the discussion of these matters has been attended with the friendliest feeling, it has naturally been the constant and earnest hope of the American Government—and of Japan as well, I am sure—that this occasion for divergence of views between the two Governments might be removed with the least possible delay. It has been with a feeling of special gratification, therefore, that the American Delegation has listened to the assurances given by their Japanese colleague, and it is with the greatest friendliness that they reiterate the hope that Japan will find it possible to carry out within the near future her expressed intention of terminating finally the Siberian expedition and of restoring Sakhalin to the Russian people."

On behalf of the French Government M. Sarraut said—

"he gave his full and unreserved adherence to this resolution. In giving this unreserved adherence, he liked to remember that France was the oldest ally, perhaps, of Russia, and in this respect it was with a particular feeling of gratification that he would state that he had listened with great pleasure to the exchange of views that had just taken place before the Committee between the representatives of the United States and Japan. The French Government would hear with the same feelings the formal assurance given by Baron Shidehara of the intention of the Japanese Government concerning Siberia; of Japan's desire to withdraw her troops from Russia as soon as possible; of its firm intention not to interfere in the domestic affairs of Russia; and of its firm purpose to respect the integrity of Russia.

"France had full trust in Japan, who had always proved a loyal and trustworthy friend. It was quite certain that this assurance would be carried out. France accepted this with all the more pleasure because it was exactly the program which the French Government had adopted in 1918 and which led them to interfere in Siberia under the same conditions as those set forth so exactly by the Secretary of State of the United States. At this point he could not fail to restate quite clearly France's intention, like that of her Allies, to respect the integrity of Russia, and to have the integrity of Russia respected, and not to interfere in her internal policy.

"France remained faithful to the friendship of Russia, which she could not forget. She entertained feelings of gratitude to the Russian people, as she did to her other Allies. Russia had been her friend of the first hour, and she was loyal; she had stuck to her word until the Russian Government was betrayed in the way with which those present were familiar. France also remained faithful to the hope that the day would come when through the channel of a normal and regular government great Russia would be able to go ahead and fulfill her destiny. Then it would be good for her to find unimpaired the patrimony that had been kept for her by the honesty and loyalty of her allies. It was with this feeling that the French Delegation with great pleasure concurred in the adoption of the present resolution."

These statements did not immediately effect a change in the Siberian situation but they were nonetheless of the utmost importance. In the first place, the position of the United States was publicly and definitely reasserted. Further, while Japan did not fix a date for the withdrawal of her troops, she did give the most solemn and comprehensive assurance to all the Powers represented in the Conference of her fixed and settled policy "to respect the territorial integrity of Russia, and to observe the principle of non-intervention in the internal affairs of that country, as well as the principle of equal opportunity for the commerce and industry of all nations in every part of the Russian possessions."



This constitutes a pledge which no doubt will be fully redeemed. While Japan has not fixed the date for the withdrawal of her troops from Siberia, she has renounced all claims of territorial aggrandizement, of political domination, or of exclusive or preferential privilege.

### **Chinese Eastern Railway.**

The other question affecting Siberian interests directly; that is, that of the Chinese Eastern Railway, was also of the nature of a continuing diplomatic problem insusceptible of definite disposition at the Conference. This railway involves a great complexity of international interests; that of the United States is to assure its continued operation as a free avenue of commerce, to discharge the responsibility for the railroad which the United States assumed to some extent in 1919 in cooperation with Japan and four other Powers in an arrangement for the supervision and assistance of this and other links in the Trans-Siberian system, and to recover its just claims for advances.

In order to ascertain what, if anything, the Conference might usefully do to preserve the railway and increase its technical efficiency, the Committee on Pacific and Far Eastern Questions, and its technical sub-committee, gave the problem the most careful consideration.

It was finally found to be impossible to do more than to adopt the following resolution:

*"Resolved, That the preservation of the Chinese Eastern Railway for those in interest requires that better protection be given to the railway and the persons engaged in its operation and use, a more careful selection of personnel to secure efficiency of service, and a more economical use of funds to prevent waste of the property; that the subject should immediately be dealt with through the proper diplomatic channels."*

The Powers other than China made the following reservation:

*"The Powers other than China in agreeing to the resolution regarding the Chinese Eastern Railway reserve the right to insist hereafter upon the responsibility of China for performance or nonperformance of the obligations towards the foreign stockholders, bondholders, and creditors of the Chinese Eastern Railway Company which the Powers deem to result from the contracts under which the railroad was built and the action of China thereunder and the obligations which they deem to be in the nature of a trust resulting from the exercise of power by the Chinese Government over the possession and administration of the railroad."*

While, as thus appears, it proved to be necessary to leave these questions for future diplomatic adjustment, not a little was accomplished

in ascertaining and clarifying the views of the various governments. The discussions established unanimity among the Powers, other than China, as to the immediate need for more adequate protection of the railway and the impracticability of obtaining financial support without effective financial control, assuring the economical operation of the railway. The Conference effectively recognized Chinese sovereign rights in respect to the railway, but in the reservation above quoted made clear to China the immense responsibilities she might incur by a reckless use of her sovereign prerogatives. The Chinese delegates were impressed by this aspect of the question, and it is understood that they have already recommended to their Government that it take measures immediately and spontaneously to improve the military protection of the railway. It has been suggested to the Chinese delegates also, and has won a certain favorable response from them, that China would be well advised to take the initiative in the diplomatic interchanges which will ensue as a result of the resolution adopted, in requesting at once the cooperation of the other Powers in maintaining the railway. It may prove possible to arrive at practical results in this way while preserving Chinese sovereignty and amour propre. General assent was obtained at the Conference to the continuance in force of the agreement of 1919 for the supervision of the railway.

#### **Mandated Islands.**

For some time there have been negotiations between the United States and Japan in relation to the so-called mandated islands in the Pacific Ocean north of the Equator. While the Conference was in session these negotiations resulted in an agreement between the American Government and the Japanese Government, which is to be embodied in a treaty. The points of the agreement are as follows:

1. It is agreed that the United States shall have free access to the Island of Yap on the footing of entire equality with Japan or any other nation, in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid by the United States or its nationals.

2. It is also agreed that the United States and its nationals are to be accorded the same rights and privileges with respect to radiotelegraphic service as with regard to cables. It is provided that so long as the Japanese Government shall maintain on the Island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships and shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations at Yap by the United States or its nationals shall be suspended.

3. It is further agreed that the United States shall enjoy in the Island of Yap the following rights, privileges, and exemptions in relation to electrical communications:

(a) Rights of residence without restriction; and rights of acquisition and enjoyment and undisturbed possession, upon a footing of entire equality with Japan or any other nation or their respective nationals of all property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(b) No permit or license to be required for the enjoyment of any of these rights and privileges.

(c) Each country to be free to operate both ends of its cables either directly or through its nationals including corporations or associations.

(d) No cable censorship or supervision of operation or messages.

(e) Free entry and exit for persons and property.

(f) No taxes, port, harbor, or landing charges, or exactions, either with respect to operation of cables or to property, persons, or vessels.

(g) No discriminatory police regulations.

4. Japan agrees that it will use its power of expropriation to secure to the United States needed property and facilities for the purpose of electrical communication in the Island, if such property or facilities can not otherwise be obtained. It is understood that the location and area of land to be so expropriated shall be arranged each time between the two Governments, according to the requirements of each case. American property and facilities for the purpose of electrical communication in the Island are to be exempt from the process of expropriation.

5. The United States consents to the administration by Japan of the mandated islands in the Pacific Ocean north of the Equator subject to the above provisions with respect to the Island of Yap, and also subject to the following conditions:

“(a) The United States is to have the benefit of the engagements of Japan set forth in the mandate, particularly those as follows:

#### “ARTICLE 3.

“The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public work and services, and then only for adequate remuneration.

“The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919, or in any convention amending same.

“The supply of intoxicating spirits and beverages to the natives shall be prohibited.”

**"ARTICLE 4.**

**"The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory."**

**"(b) With respect to missionaries, it is agreed that Japan shall ensure complete freedom of conscience and the free exercise of all forms of worship, which are consonant with public order and morality, and that missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory. Japan shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.**

**"(c) Japan agrees that vested American property rights will be maintained and respected.**

**"(d) It is agreed that the treaties between the United States and Japan now in force shall apply to the mandated islands.**

**"(e) It is agreed that any modifications in the Mandate are to be subject to the consent of the United States, and, further, that Japan will address to the United States a duplicate report on the administration of the Mandate."**

No agreement has yet been made with respect to the so-called mandated islands in the Pacific Ocean south of the Equator. The assent of the United States to these mandates has not yet been given, and the subject is left to negotiations between the United States and Great Britain.

No action was taken with respect to electrical communications in the Pacific. The allocation of the former German cables are matters to be dealt with by the five Principal Allied and Associated Powers and will be the subject of diplomatic negotiations.

**General Summary.**

To estimate correctly the character and value of these several treaties, resolutions and formal declarations they should be considered as a whole. Each one contributes its part in combination with the others towards the establishment of conditions in which peaceful security will take the place of competitive preparation for war.

The declared object was, in its naval aspect, to stop the race of competitive building of war-ships which was in process and which was so distressingly like the competition that immediately preceded the war of 1914. Competitive armament, however, is the result of a state of mind in which a national expectation of attack by some

other country causes preparation to meet the attack. To stop competition it is necessary to deal with the state of mind from which it results. A belief in the pacific intentions of other powers must be substituted for suspicion and apprehension.

The negotiations which led to the Four Power Treaty were the process of attaining that new state of mind, and the Four Power Treaty itself was the expression of that new state of mind. It terminated the Anglo-Japanese alliance and substituted friendly conference in place of war as the first reaction from any controversies which might arise in the region of the Pacific; it would not have been possible except as part of a plan including a limitation and a reduction of naval armaments, but that limitation and reduction would not have been possible without the new relations established by the Four Power Treaty or something equivalent to it.

The new relations declared in the Four Power Treaty could not, however, inspire confidence or be reasonably assured of continuance without a specific understanding as to the relations of the powers to China. Such an understanding had two aspects. One related to securing fairer treatment of China, and the other related to the competition for trade and industrial advantages in China between the outside powers.

An agreement covering both of these grounds in a rather fundamental way was embodied in the first article of the general Nine Power Treaty regarding China. In order, however, to bring the rules set out in that article out of the realm of mere abstract propositions and make them practical rules of conduct it was necessary to provide for applying them so far as the present conditions of government and social order in China permit. This was done by the remaining provisions of the general Nine Power Treaty and Chinese Customs Treaty and the series of formal resolutions adopted by the Conference in its Plenary Sessions and the formal declarations made a part of the record of the Conference.

The scope of action by the Conference in dealing with Chinese affairs was much limited by the disturbed conditions of government in China which have existed since the revolution of 1911, and which still exist, and which render effective action by that government exceedingly difficult and in some directions impracticable. In every case the action of the Conference was taken with primary reference to giving the greatest help possible to the Chinese people in developing a stable and effective government really representative of the people of China. Much was accomplished in that direction, and the rules of conduct set forth in the first article of the General Treaty regarding China have not merely received the assent of the Powers but have been accepted and applied to concrete cases.

The sum total of the action taken in the Conference regarding China, together with the return of Shantung by direct agreement be-

tween China and Japan, the withdrawal of the most unsatisfactory of the so-called "twenty-one demands," and the explicit declaration of Japan regarding the closely connected territory of Eastern Siberia, justify the relation of confidence and good will expressed in the Four Power Treaty and upon which the reduction of armament provided in the Naval Treaty may be contemplated with a sense of security.

In conclusion, we may be permitted to quote the words of the President in closing the Conference:

"This Conference has wrought a truly great achievement. It is hazardous sometimes to speak in superlatives, and I will be restrained. But I will say, with every confidence, that the faith plighted here to-day, kept in national honor, will mark the beginning of a new and better epoch in human progress.

"Stripped to the simplest fact, what is the spectacle which has inspired a new hope for the world? Gathered about this table nine great nations of the world—not all, to be sure, but those most directly concerned with the problems at hand—have met and have conferred on questions of great import and common concern, on problems menacing their peaceful relationship, on burdens threatening a common peril. In the revealing light of the public opinion of the world, without surrender of sovereignty, without impaired nationality or affronted national pride, a solution has been found in unanimity, and to-day's adjournment is marked by rejoicing in the things accomplished. If the world has hungered for new assurance, it may feast at the banquet which the Conference has spread.

"I am sure the people of the United States are supremely gratified, and yet there is scant appreciation how marvelously you have wrought. When the days were dragging and agreements were delayed, when there were obstacles within and hindrances without, few stopped to realize that here was a conference of sovereign powers where only unanimous agreement could be made the rule. Majorities could not decide without impinging national rights. There were no victors to command, no vanquished to yield. All had voluntarily to agree in translating the conscience of our civilization and give concrete expression to world opinion.

"And you have agreed in spite of all difficulties, and the agreements are proclaimed to the world. No new standards of national honor have been sought, but the indictments of national dishonor have been drawn, and the world is ready to proclaim the odiousness of perfidy or infamy.

"It has been the fortune of this Conference to sit in a day far enough removed from war's bitterness, yet near enough to war's horrors, to gain the benefit of both the hatred of war and the yearning for peace. Too often, heretofore, the decades following such gatherings have been marked by the difficult undoing of their decisions. But your achievement is supreme because no seed of conflict has been sown, no reaction in regret or resentment ever can justify resort to arms.

"It little matters what we appraise as the outstanding accomplishments. Any one of them alone would have justified the Conference. But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.

"You have written the first deliberate and effective expression of great powers, in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. You have halted folly and lifted burdens, and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a world war is to end the strife in preparation for more of it, and turn human energies to the constructiveness of peace.

"Not all the world is yet tranquillized. But here is the example, to imbue with new hope all who dwell in apprehension. At this table came understanding, and understanding brands armed conflict as abominable in the eyes of enlightened civilization."

\* \* \* \* \*

"No intrigue, no offensive or defensive alliances, no involvements have wrought your agreements, but reasoning with each other to common understanding has made new relationships among Governments and peoples, new securities for peace, and new opportunities for achievement and attending happiness.

"Here have been established the contacts of reason, here has come the inevitable understandings of face-to-face exchanges when passion does not inflame. The very atmosphere shamed national selfishness into retreat. Viewpoints were exchanged, differences composed, and you came to understand how common, after all, are human aspirations; how alike, indeed, and how easily reconcilable are our national aspirations; how sane and simple and satisfying to seek the relationships of peace and security.

"When you first met, I told you of our America's thought to seek less of armament and none of war; that we sought nothing which is another's, and we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in that accomplishment. \* \* \*"

Respectfully submitted.

CHARLES E. HUGHES.  
HENRY CABOT LODGE.  
OSCAR W. UNDERWOOD.  
ELIHU ROOT.

WASHINGTON, D. C., *February 9, 1922.*

## APPENDIX.

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### TREATIES AND RESOLUTIONS APPROVED AND ADOPTED BY THE CONFERENCE ON THE LIMITA- TION OF ARMAMENT.

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#### TREATIES.

- (1) A treaty between the United States of America, the British Empire, France, Italy, and Japan, limiting naval armament.
- (2) A treaty between the same Powers, in relation to the use of submarines and noxious gases in warfare.
- (3) A treaty between the United States of America, the British Empire, France, and Japan, signed December 13, 1921, relating to their insular possessions and insular dominions in the Pacific Ocean.
- (4) Declaration accompanying the above Four-Power Treaty.
- (5) A treaty between the same Four Powers, supplementary to the above, signed February 6, 1922.
- (6) A treaty between all Nine Powers relating to principles and policies to be followed in matters concerning China.
- (7) A treaty between the Nine Powers relating to Chinese customs tariff.

#### RESOLUTIONS.

- No. 1. Resolution for a Commission of Jurists to consider amendment of Laws of War.
- No. 2. Resolution limiting jurisdiction of Commission of Jurists provided in Resolution No. 1.
- No. 3. Resolution regarding a Board of Reference for Far Eastern Questions.
- No. 4. Resolution regarding Extraterritoriality in China.
- No. 5. Resolution regarding Foreign Postal Agencies in China.
- No. 6. Resolution regarding Armed Forces in China.
- No. 7. Resolution regarding Radio Stations in China and accompanying Declarations.
- No. 8. Resolution regarding unification of railways in China and accompanying Declaration by China.
- No. 9. Resolution regarding the reduction of Chinese Military Forces.
- No. 10. Resolution regarding existing commitments of China or with respect to China.
- No. 11. Resolution regarding the Chinese Eastern Railway, approved by all the Powers, including China.
- No. 12. Resolution regarding the Chinese Eastern Railway, approved by all the Powers, other than China.





## TREATIES.

### (1) A TREATY BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, LIMITING NAVAL ARMAMENT.

The United States of America,  
the British Empire, France, Italy  
and Japan;

Desiring to contribute to the  
maintenance of the general peace,  
and to reduce the burdens of  
competition in armament;

Have resolved, with a view to  
accomplishing these purposes, to  
conclude a treaty to limit their  
respective naval armament, and  
to that end have appointed as  
their Plenipotentiaries;

The President of the United  
States of America:

Charles Evans Hughes,  
Henry Cabot Lodge,  
Oscar W. Underwood,  
Elihu Root,

Citizens of the United  
States;

His Majesty the King of the  
United Kingdom of Great Britain  
and Ireland and of the British  
Dominions beyond the Seas, Em-  
peror of India:

The Right Honourable  
Arthur James Balfour,  
O. M., M. P., Lord  
President of His Privy  
Council;

The Right Honourable  
Baron Lee of Fareham,  
G. B. E., K. C. B.,  
First Lord of His Ad-  
miralty;

The Right Honourable  
Sir Auckland Camp-  
bell Geddes, K. C. B.,  
His Ambassador Ex-  
traordinary and  
Plenipotentiary to

the United States of  
America;

and

for the Dominion of Canada:

The Right Honourable  
Sir Robert Laird  
Borden, G. C. M. G.,  
K. C.;

for the Commonwealth of  
Australia:

Senator the Right Hon-  
ourable George Foster  
Pearce, Minister for  
Home and Territories;

for the Dominion of New Zea-  
land:

The Honourable Sir John  
William Salmond, K. C.,  
Judge of the Supreme  
Court of New Zealand;

for the Union of South Africa:

The Right Honourable  
Arthur James Balfour,  
O. M., M. P.;

for India:

The Right Honourable  
Valingman Sankaran-  
arayana Srinivasa  
Sastri, Member of the  
Indian Council of State;

The President of the French  
Republic:

Mr. Albert Sarraut,  
Deputy, Minister of the  
Colonies;

Mr. Jules J. Jusserand,  
Ambassador Extraordi-  
nary and Plenipotentiary  
to the United States of  
America, Grand Cross  
of the National Order of  
the Legion of Honour;

His Majesty the King of Italy:

The Honourable Carlo Schanzer, Senator of the Kingdom;

The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;

The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

## CHAPTER I.

### GENERAL PROVISIONS RELATING TO THE LIMITATION OF NAVAL ARMAMENT.

#### ARTICLE I.

The Contracting Powers agree to limit their respective naval armament as provided in the present Treaty.

#### ARTICLE II.

The Contracting Powers may retain respectively the capital ships which are specified in Chapter II, Part 1. On the coming into force of the present Treaty, but subject to the following provisions of this Article, all other capital ships, built or building, of the United States, the British Empire and Japan shall be disposed of as prescribed in Chapter II, Part 2.

In addition to the capital ships specified in Chapter II, Part 1, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships the *North Dakota* and *Delaware* shall be disposed of as prescribed in Chapter II, Part 2.

The British Empire may, in accordance with the replacement table in Chapter II, Part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the *Thunderer*, *King George V*, *Ajax* and *Centurion* shall be disposed of as prescribed in Chapter II, Part 2.

#### ARTICLE III.

Subject to the provisions of Article II, the Contracting Powers shall abandon their respective capital ship building programs, and no new capital ships shall be constructed or acquired by any of the Contracting Powers except replacement tonnage which may be constructed or acquired as specified in Chapter II, Part 3.

Ships which are replaced in accordance with Chapter II, Part 3, shall be disposed of as prescribed in Part 2 of that Chapter.

**ARTICLE IV.**

The total capital ship replacement tonnage of each of the Contracting Powers shall not exceed in standard displacement, for the United States 525,000 tons (533,400 metric tons); for the British Empire 525,000 tons (533,400 metric tons); for France 175,000 tons (177,800 metric tons); for Italy 175,000 tons (177,800 metric tons); for Japan 315,000 tons (320,040 metric tons).

**ARTICLE V.**

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

**ARTICLE VI.**

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

**ARTICLE VII.**

The total tonnage for aircraft carriers of each of the Contracting Powers shall not exceed in standard displacement, for the United States 135,000 tons (137,160 metric tons); for the British Empire 135,000 tons (137,160 metric tons); for France 60,000 tons (60,960 metric tons); for Italy 60,000 tons (60,960 metric tons); for Japan 81,000 tons (82,296 metric tons).

**ARTICLE VIII.**

The replacement of aircraft carriers shall be effected only as prescribed in Chapter II, Part 3, provided, however, that all aircraft carrier tonnage in existence or building on November 12, 1921,

shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in Article VII, without regard to its age.

**ARTICLE IX.**

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for or within the jurisdiction of, any of the Contracting Powers.

However, any of the Contracting Powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the Contracting Powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried in case any of such guns be of a calibre exceeding 6 inches (152 millimetres), except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed eight.

**ARTICLE X.**

No aircraft carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article IX, if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre the total number of guns

carried, except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed ten. If alternatively the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

#### ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

No vessel of war of any of the Contracting Powers, hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

#### ARTICLE XIII.

Except as provided in Article IX, no ship designated in the present Treaty to be scrapped may be reconverted into a vessel of war.

#### ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of

war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6 inch (152 millimetres) calibre.

#### ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

#### ARTICLE XVI.

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, Part 3, Section I (b), (4) and (5).

#### ARTICLE XVII.

In the event of a Contracting Power being engaged in war, such Power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other Power, or which may have been constructed within its jurisdiction for another Power and not delivered.

**ARTICLE XVIII.**

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the Navy of any foreign Power.

**ARTICLE XIX.**

The United States, the British Empire and Japan agree that the status quo at the time of the signing of the present Treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:

(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands;

(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its Territories, and (c) New Zealand;

(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified that no

measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

**ARTICLE XX.**

The rules for determining tonnage displacement prescribed in Chapter II, Part 4, shall apply to the ships of each of the Contracting Powers.

**CHAPTER II.****RULES RELATING TO THE EXECUTION OF THE TREATY—  
DEFINITION OF TERMS.****PART 1.****CAPITAL SHIPS WHICH MAY BE  
RETAINED BY THE CONTRACTING  
POWERS.**

In accordance with Article II ships may be retained by each of the Contracting Powers as specified in this Part.

*Ships which may be retained by the United States.*

Name:	Tonnage.
Maryland.....	32,600
California.....	32,300
Tennessee.....	32,300
Idaho.....	32,000
New Mexico.....	32,000
Mississippi.....	32,000
Arizona.....	31,400
Pennsylvania.....	31,400
Oklahoma.....	27,500
Nevada.....	27,500
New York.....	27,000
Texas.....	27,000
Arkansas.....	26,000
Wyoming.....	26,000
Florida.....	21,825
Utah.....	21,825
North Dakota.....	20,000
Delaware.....	20,000

Total tonnage..... 500,650

# THE ADAPTING TEAM OF WAR

The following rules are  
 observed in the scrapbook  
 during a war which are  
 observed in accordance  
 with the III  
 and the scrapbook

The result must be reflected in any of the following ways:

- (a) Permanent sinking of the vessel;
  - (b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers and armour, and all deck, side and bottom plating;
  - (c) Converting the vessel to target use exclusively. In such case all the provisions of paragraph III of this Part, except subparagraph (6), in so far as may be necessary to enable the ship to be used as a mobile target, and except subparagraph (7), must be previously complied with. Not more than one capital ship may be retained for this purpose at one time by any of the Contracting Powers.
  - (d) Of the capital ships which would otherwise be scrapped under the present Treaty in or after the year 1931, France and Italy may each retain two sea-going vessels for training purposes exclusively, that is, as gunnery or torpedo schools. The two vessels retained by France shall be of the *Jean Bart* class, and of those retained by Italy one shall be the *Dante Alighieri*, the other of the *Giulio Cesare* class. On retaining these ships for the purpose above stated, France and Italy respectively undertake to remove and destroy their conning-towers, and not to use the said ships as vessels of war.
- III. (a) Subject to the special exceptions contained in Article IX, when a vessel is due for scrapping, the first stage of scrapping, which consists in rendering a ship incapable of further warlike service, shall be immediately undertaken.
- (b) A vessel shall be considered incapable of further warlike service when there shall have been removed and landed, or else destroyed in the ship:
    - (1) All guns and essential portions of guns, fire-control tops and revolving parts of all barbettes and turrets;
    - (2) All machinery for working hydraulic or electric mountings;
    - (3) All fire-control instruments and range-finders;
    - (4) All ammunition, explosives and mines;
    - (5) All torpedoes, war-heads and torpedo tubes;
    - (6) All wireless telegraphy installations;
    - (7) The conning tower and all side armour, or alternatively all main propelling machinery; and
    - (8) All landing and flying-off platforms and all other aviation accessories.
- IV. The periods in which scrapping of vessels is to be effected are as follows:
- (a) In the case of vessels to be scrapped under the first paragraph of Article



II, the work of rendering the vessels incapable of further warlike service, in accordance with paragraph III of this Part, shall be completed within six months from the coming into force of the present Treaty, and the scrapping shall be finally effected within eighteen months from such coming into force.

- (b) In the case of vessels to be scrapped under the second and third paragraphs of Article II, or under Article III, the work of rendering the vessel incapable of further warlike service in accordance with paragraph III of this Part shall be commenced not later than the date of completion of its successor, and shall be finished within six months from the date of such completion. The vessel shall be finally scrapped, in accordance with paragraph II of this Part, within eighteen months from the date of completion of its successor. If, however, the completion of the new vessel be delayed, then the work of rendering the old vessel incapable of further warlike service in accordance with paragraph III of this Part shall be commenced within four years from the laying of the keel of the new vessel, and shall be finished within six months from the date on which such work was commenced, and the old vessel shall be finally

scrapped in accordance with paragraph II of this Part within eighteen months from the date when the work of rendering it incapable of further warlike service was commenced.

### PART 3.

#### REPLACEMENT.

The replacement of capital ships and aircraft carriers shall take place according to the rules in Section I and the tables in Section II of this Part.

#### SECTION I.

##### RULES FOR REPLACEMENT.

(a) Capital ships and aircraft carriers twenty years after the date of their completion may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be replaced by new construction, but within the limits prescribed in Article IV and Article VII. The keels of such new construction may, except as otherwise provided in Article VIII and in the tables in Section II of this Part, be laid down not earlier than seventeen years from the date of completion of the tonnage to be replaced, provided, however, that no capital ship tonnage, with the exception of the ships referred to in the third paragraph of Article II, and the replacement tonnage specifically mentioned in Section II of this Part, shall be laid down until ten years from November 12, 1921.

(b) Each of the Contracting Powers shall communicate promptly to each of the other Contracting Powers the following information:

- (1) The names of the capital ships and aircraft carriers to be replaced by new construction;
  - (2) The date of governmental authorization of replacement tonnage;
  - (3) The date of laying the keels of replacement tonnage.
  - (4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement;
  - (5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draft at standard displacement, at time of completion.
- (c) In case of loss or accidental destruction of capital ships or aircraft carriers, they may immediately be replaced by new construction subject to the tonnage limits prescribed in Articles IV and VII and in conformity with the other provisions of the present Treaty, the regular replacement program being deemed to be advanced to that extent.
- (d) No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The Contracting Powers may, for that purpose, equip existing tonnage with bulge or blister or anti-air attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. No alterations in side armor, in calibre, number or general type of mounting of main armament shall be permitted except:
- (1) in the case of France and Italy, which countries within the limits allowed for bulge may increase their armor protection and the calibre of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimeters) and
  - (2) the British Empire shall be permitted to complete, in the case of the *Renown*, the alterations to armor that have already been commenced but temporarily suspended.

## SECTION II.

## REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS.

## UNITED STATES.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary.	
				Pre-	Post-
				Jutland.	
			Maine (20), Missouri (20), Virginia (17), Nebraska (17), Georgia (17), New Jersey (17), Rhode Island (17), Connecticut (17), Louisiana (17), Vermont (16), Kansas (16), Minnesota (16), New Hampshire (15), South Carolina (13), Michigan (13), Washington (0), South Dakota (0), Indiana (0), Montana (0), North Carolina (0), Iowa (0), Massachusetts (0), Lexington (0), Constitution (0), Constellation (0), Saratoga (0), Ranger (0), United States (0).*	17	1
1922.....		A, B, #.....	Delaware (12), North Dakota (12).....	15	
1923.....				15	
1924.....				15	
1925.....				15	
1926.....				15	
1927.....				15	
1928.....				15	
1929.....				15	
1930.....				15	
1931.....	C, D.....			15	
1932.....	E, F.....			15	
1933.....	G.....			15	
1934.....	H, I.....	C, D.....	Florida (23), Utah (23), Wyoming (22).....	12	5
1935.....	J.....	E, F.....	Arkansas (23), Texas (21), New York (21).....	9	7
1936.....	K, L.....	G.....	Nevada (20), Oklahoma (20).....	7	8
1937.....	M.....	H, I.....	Arizona (21), Pennsylvania (21).....	5	10
1938.....	N, O.....	J.....	Mississippi (21).....	4	11
1939.....	P, Q.....	K, L.....	New Mexico (21), Idaho (20).....	2	13
1940.....		M.....	Tennessee (20).....	1	14
1941.....		N, O.....	California (20), Maryland (20).....	0	15
1942.....		P, Q.....	2 ships West Virginia class.....	0	15

\*The United States may retain the *Oregon* and *Illinois*, for noncombatant purposes, after complying with the provisions of Part 2, III, (b).  
# Two West Virginia class.

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

## REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS—continued.

## BRITISH EMPIRE.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary.	
				Pre-	Post-
				Jutland.	
			Commonwealth (16), Agamemnon (13), Dreadnought (15), Bellerophon (12), St. Vincent (11), Inflexible (13), Superb (12), Neptune (10), Hercules (10), Indomitable (13), Temeraire (12), New Zealand (9), Lion (9), Princess Royal (9), Conqueror (9), Monarch (9), Orion (9), Australia (8), Agincourt (7), Erin (7), 4 building or projected. <sup>a</sup>	21	1
1922	A. B. §.			21	1
1923				21	1
1924				21	1
1925		A. B.	King George V (13), Ajax (12), Centurion (12), Thunderer (13).	17	3
1926				17	3
1927				17	3
1928				17	3
1929				17	3
1930				17	3
1931	C. D.			17	3
1932	E. F.			17	3
1933	G.			17	3
1934	H. I.	C. D.	Iron Duke (20), Marlborough (20), Emperor of India (20), Benbow (20).	13	5
1935	J.	E. F.	Tiger (21), Queen Elizabeth (20), Warspite (20), Barham (20).	9	7
1936	K. L.	G.	Malaya (20), Royal Sovereign (20).	7	8
1937	M.	H. I.	Revenge (21), Resolution (21).	5	10
1938	N. O.	J.	Royal Oak (22).	4	11
1939	P. Q.	K. L.	Valiant (23), Repulse (21).	2	13
1940		M.	Renown (24).	1	14
1941		N. O.	Ramillies (24), Hood (21).	0	15
1942		P. Q.	A (17), B (17).	0	15

<sup>a</sup> The British Empire may retain the *Colossus* and *Collingwood* for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

§ Two 35,000-ton ships, standard displacement.

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement laid down and completed in the years specified.

## REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS—continued.

## FRANCE.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained—Summary.	
				Pre-	Post-
				Jutland.	
1922.				7	0
1923.				7	0
1924.				7	0
1925.				7	0
1926.				7	0
1927.	35,000 tons.			7	0
1928.				7	0
1929.	35,000 tons.			7	0
1930.		35,000 tons.	Jean Bart (17), Courbet (17).	5	(*)
1931.	35,000 tons.			5	(*)
1932.	35,000 tons.	35,000 tons.	France (18).	4	(*)
1933.	35,000 tons.			4	(*)
1934.		35,000 tons.	Paris (20), Bretagne (20).	2	(*)
1935.		35,000 tons.	Provence (20).	1	(*)
1936.		35,000 tons.	Lorraine (20).	0	(*)
1937.				0	(*)
1938.				0	(*)
1939.				0	(*)
1940.				0	(*)
1941.				0	(*)
1942.				0	(*)

\* Within tonnage limitations; number not fixed.

NOTE.—France expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and that the total capital ship tonnage should keep within the limits imposed by the present Treaty.

## ITALY.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained—Summary.	
				Pre-	Post-
				Jutland.	
1922.				6	0
1923.				6	0
1924.				6	0
1925.				6	0
1926.				6	0
1927.	35,000 tons.			6	0
1928.				6	0
1929.	35,000 tons.			6	0
1930.		35,000 tons.	Dante Alighieri (19).	5	(*)
1931.	35,000 tons.			5	(*)
1932.	45,000 tons.			4	(*)
1933.	25,000 tons.	35,000 tons.	Leonardo da Vinci (19).	4	(*)
1934.				4	(*)
1935.		35,000 tons.	Giulio Cesare (21).	3	(*)
1936.		45,000 tons.	Conte di Cavour (21), Duilio (21).	1	(*)
1937.		25,000 tons.	Andrea Doria (21).	0	(*)

\* Within tonnage limitations; number not fixed.

NOTE.—Italy expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and the total capital ship tonnage should keep within the limits imposed by the present Treaty.

## REPLACEMENT AND SCRAPPING OF CAPITAL SHIPS—continued.

## JAPAN.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary.	
				Pre-	Post-
				Jutland.	
			Hisen (20), Mikasa (20), Kashima (16), Katori (16), Satsuma (12), Aki (11), Settsu (10), Ikoma (14), Ibuki (12), Kurama (11), Amagi (0), Akagi (0), Kaga (0), Tosa (0), Takao (0), Atago (0). Projected program 8 ships not laid down.*	8	
1922				8	2
1923				8	2
1924				8	2
1925				8	2
1926				8	2
1927				8	2
1928				8	2
1929				8	2
1930				8	2
1931	A			8	2
1932	B			8	2
1933	C			8	2
1934	D	A	Kongo (21)	7	3
1935	E	B	Hiei (21), Haruna (20)	5	4
1936	F	C	Kirishima (21)	4	5
1937	G	D	Fuso (22)	3	6
1938	H	E	Yamashiro (21)	2	7
1939	I	F	Ise (22)	1	8
1940		G	Huuga (22)	0	9
1941		H	Nagato (21)	0	9
1942		I	Mutsu (21)	0	9

\*Japan may retain the *Shikishima* and *Asahi* for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

## NOTE APPLICABLE TO ALL THE TABLES IN SECTION II.

## CAPITAL SHIP.

The order above prescribed in which ships are to be scrapped is in accordance with their age. It is understood that when replacement begins according to the above tables the order of scrapping in the case of the ships of each of the Contracting Powers may be varied at its option; provided, however, that such Power shall scrap in each year the number of ships above stated.

## PART 4.

## DEFINITIONS.

For the purposes of the present Treaty, the following expressions are to be understood in the sense defined in this Part.

A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with a calibre exceeding 8 inches (203 millimetres).

## AIRCRAFT CARRIER.

An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and

constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X as the case may be.

#### STANDARD DISPLACEMENT.

The standard displacement of a ship is the displacement of the ship complete, fully manned, engaged, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word "ton" in the present Treaty, except in the expression "metric tons", shall be understood to mean the ton of 2240 pounds (1016 kilos).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a Power expressing displacement in metric tons shall be considered for the application of the present Treaty as owning only the equivalent displacement in tons of 2240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

### CHAPTER III.

#### MISCELLANEOUS PROVISIONS.

##### ARTICLE XXI.

If during the term of the present Treaty the requirements of the national security of any Contracting Power in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Con-

tracting Powers will, at the request of such Power, meet in conference with a view to the reconsideration of the provisions of the Treaty and its amendment by mutual agreement.

In view of possible technical and scientific developments, the United States, after consultation with the other Contracting Powers, shall arrange for a conference of all the Contracting Powers which shall convene as soon as possible after the expiration of eight years from the coming into force of the present Treaty to consider what changes, if any, in the Treaty may be necessary to meet such developments.

##### ARTICLE XXII.

Whenever any Contracting Power shall become engaged in a war which in its opinion affects the naval defence of its national security, such Power may after notice to the other Contracting Powers suspend for the period of hostilities its obligations under the present Treaty other than those under Articles XIII and XVII, provided that such Power shall notify the other Contracting Powers that the emergency is of such a character as to require such suspension.

The remaining Contracting Powers shall in such case consult together with a view to agreement as to what temporary modifications if any should be made in the Treaty as between themselves. Should such consultation not produce agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of said Contracting Powers may, by giving notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present Treaty, other than

those under Articles XIII and XVII.

On the cessation of hostilities the Contracting Powers will meet in conference to consider what modifications, if any, should be made in the provisions of the present Treaty.

#### ARTICLE XXIII.

The present Treaty shall remain in force until December 31st, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the Treaty, it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers, whereupon the Treaty shall terminate as regards all the Contracting Powers. Such notice shall be communicated in writing to the Government of the United States, which shall immediately transmit a certified copy of the notification to the other Powers and inform them of the date on which it was received. The notice shall be deemed to have been given and shall take effect on that date. In the event of notice of termination being given by the Government of the United States, such notice shall be given to the diplomatic representatives at Washington of the other Contracting Powers, and the notice shall be deemed to have been given and shall take effect on the date of the communication made to the said diplomatic representatives.

Within one year of the date on which a notice of termination by any Power has taken effect, all the Contracting Powers shall meet in conference.

#### ARTICLE XXIV.

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the sixth day of February, One Thousand Nine Hundred and Twenty-Two.

CHARLES EVANS HUGHES  
HENRY CABOT LODGE  
OSCAR W. UNDERWOOD  
ELIHU ROOT.  
ARTHUR JAMES BALFOUR  
LEE OF FAREHAM  
A. C. GEDDES  
R. L. BORDEN  
G. F. PEARCE  
JOHN W. SALMOND  
ARTHUR JAMES BALFOUR  
V. S. SRINIVASA SASTRI  
A. SARRAUT  
JUSSEAUD  
CARLO SCHANZER  
V. ROLANDI RICCI  
LUTGI ALBERTINI  
T. KATO  
K. SHIDEHARA  
M. HANTHARA.



**(2) A TREATY BETWEEN THE SAME POWERS, IN RELATION TO THE USE OF SUBMARINES AND NOXIOUS GASSES IN WARFARE.**

The United States of America, the British Empire, France, Italy and Japan, hereinafter referred to as the Signatory Powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, and to prevent the use in war of noxious gases and chemicals, have determined to conclude a Treaty to this effect, and have appointed as their Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,  
Henry Cabot Lodge,  
Oscar W. Underwood,  
Elihu Root,  
citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

The Right Honourable Arthur James Balfour,  
O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham,  
G. B. E., K. C. B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden,  
G. C. M. G., K. C.;

for the Commonwealth of Australia:

Senator, the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:

The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:

The Right Honourable Arthur James Balfour,  
O. M., M. P.;

for India:

The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic:

Mr. Albert Sarraut, Deputy, Minister of the Colonies;

Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:

The Honourable Carlo Schanzer, Senator of the Kingdom;

The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;

The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato,  
Minister for the Navy,  
Junii, a member of the  
First Class of the Imperial Order of the  
Grand Cordon of the  
Rising Sun with the  
Paulownia Flower;

Baron Kijuro Shidehara,  
His Ambassador Extra-  
ordinary and Plenipo-  
tentiary at Washington,  
Joshii, a member of the  
First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara,  
Vice Minister for Foreign Affairs, Jushii, a  
member of the Second  
Class of the Imperial  
Order of the Rising Sun;

Who, having communicated  
their Full Powers, found in good  
and due form, have agreed as  
follows:

#### ARTICLE I.

The Signatory Powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law;

(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

#### ARTICLE II.

The Signatory Powers invite all other civilized Powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

#### ARTICLE III.

The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

#### ARTICLE IV.

The Signatory Powers recognize the practical impossibility of using submarines as commerce

destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

#### ARTICLE V.

The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized Powers are parties,

The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and invite all other civilized nations to adhere thereto.

#### ARTICLE VI.

The present Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the Signatory Powers and shall take effect on the deposit of all the ratifications, which shall take place at Washington.

The Government of the United States will transmit to all the Signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

#### ARTICLE VII.

The Government of the United States will further transmit to each of the Non-Signatory Powers a duly certified copy of the present Treaty and invite its adherence thereto.

Any Non-Signatory Power may adhere to the present Treaty by communicating an Instrument of Adherence to the Government of the United States, which will thereupon transmit to each of the Signatory and Adhering Powers a certified copy of each Instrument of Adherence.

In faith whereof, the above  
named Plenipotentiaries have  
signed the present Treaty.

Done at the City of Washing-  
ton, the sixth day of February,  
one thousand nine hundred and  
twenty-two.

[L. S.]	CHARLES EVANS HUGHES	
[L. S.]	HENRY CABOT LODGE	
[L. S.]	OSCAR W UNDERWOOD	
[L. S.]	ELIHU ROOT	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	LEE OF FAREHAM.	
[L. S.]	A. C. GEDDES	
	R. L. BORDEN.	[L. S.]
	G. F. PEARCE	[L. S.]
	JOHN W SALMOND	[L. S.]
	ARTHUR JAMES BALFOUR	[L. S.]
	V S SRINIVASA SASTRI	[L. S.]
	A SARRAUT	[L. S.]
	JUSSERAND	[L. S.]
	CARLO SCHANZER	[L. S.]
[L. S.]	V. ROLANDI RICCI	
[L. S.]	LUIGI ALBERTINI	
[L. S.]	T. KATO	
[L. S.]	K. SHIDEHARA	
[L. S.]	M. HANIHARA	

**(3) A TREATY BETWEEN THE UNITED STATES OF AMERICA, THE  
BRITISH EMPIRE, FRANCE, AND JAPAN, SIGNED DECEMBER  
13, 1921, RELATING TO THEIR INSULAR POSSESSIONS AND  
INSULAR DOMINIONS IN THE PACIFIC OCEAN.**

The United States of America,  
the British Empire, France and  
Japan,

With a view to the preserva-  
tion of the general peace and the  
maintenance of their rights in re-  
lation to their insular possessions  
and insular dominions in the re-  
gion of the Pacific Ocean,

Have determined to conclude  
a Treaty to this effect and have  
appointed as their Plenipoten-  
tiaries:

The President of the United  
States of America:

Charles Evans Hughes,  
Henry Cabot Lodge,  
Oscar W. Underwood and  
Elihu Root, citizens of  
the United States;

His Majesty the King of the  
United Kingdom of Great Britain  
and Ireland and of the British

Dominions beyond the Seas, Em-  
peror of India:

The Right Honourable  
Arthur James Balfour,  
O. M., M. P., Lord  
President of His Privy  
Council;

The Right Honourable  
Baron Lee of Fareham,  
G. B. E., K. C. B., First  
Lord of His Admiralty;

The Right Honourable  
Sir Auckland Campbell  
Geddes, K. C. B., His  
Ambassador Extraor-  
dinary and Plenipoten-  
tiary to the United  
States of America;

And

for the Dominion of Canada:

The Right Honourable  
Robert Laird Borden,  
G. C. M. G., K. C.;

for the Commonwealth of Australia:

The Honourable George Foster Pearce, Minister of Defence;

for the Dominion of New Zealand:

Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:

The Right Honourable Arthur James Balfour, O. M., M. P.;

for India:

The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic:

Mr. René Viviani, Deputy, Former President of the Council of Ministers;

Mr. Albert Sarraut, Deputy, Minister of the Colonies;

Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;

Prince Iyesato Tokugawa, Junii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice-Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their Full Powers, found in good and due form, have agreed as follows:

## I.

The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

## II.

If the said rights are threatened by the aggressive action of any other Power, the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

## III.

This Treaty shall remain in force for ten years from the time it shall take effect, and after the

expiration of said period it shall continue to be in force subject to the right of any of the High Contracting Parties to terminate it upon twelve months' notice.

#### IV.

This Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United

States will transmit to all the Signatory Powers a certified copy of the *proces-verbal* of the deposit of ratifications.

The present Treaty, in French and in English, shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

In faith whereof the above named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington, the thirteenth day of December, One Thousand Nine Hundred and Twenty-One.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE.	[L. S.]
	OSCAR W UNDERWOOD	[L. S.]
	ELIHU ROOT	[L. S.]
	A M JAMES BALFOUR	[L. S.]
	LEE OF FAREHAM.	[L. S.]
	A. C. GEDDES	[L. S.]
[L. S.]	R. L. BORDEN.	
[L. S.]	G. F. PEARCE	
[L. S.]	JOHN W SALMOND	
[L. S.]	A M JAMES BALFOUR	
[L. S.]	V S SRINIVASA SASTRI	
[L. S.]	RENÉ VIVIANI	
[L. S.]	A. SARRAUT	
[L. S.]	JUSSERAND	
[L. S.]	T. KATO	
[L. S.]	K. SHIDEHARA.	
[L. S.]	TOKUGAWA IYESATO	
[L. S.]	M. HANIHARA	

**(4) DECLARATION ACCOMPANYING THE ABOVE FOUR-POWER  
TREATY.**

In signing the Treaty this day between The United States of America, The British Empire, France and Japan, it is declared to be the understanding and intent of the Signatory Powers:

1. That the Treaty shall apply to the Mandated Islands in the Pacific Ocean; provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of The United States of America to the mandates and shall not preclude agreements between The United States of America and the Mandatory Powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of Article I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers.

Washington, D. C., December 13, 1921.

CHARLES EVANS HUGHES  
HENRY CABOT LODGE  
OSCAR W UNDERWOOD  
ELIHU ROOT  
A M JAMES BALFOUR  
LEE OF FAREHAM.  
A. C. GEDDES  
R. L. BORDEN.  
G. F. PEARCE  
JOHN W SALMOND  
A M JAMES BALFOUR  
V S SRINIVASA SASTRI  
RENÉ VIVIANI  
A SARRAUT  
JUSSERAND  
T. KATO  
K. SHIDEHARA  
TOKUGAWA IYESATO  
M. HANIHARA

**(5) A TREATY BETWEEN THE SAME FOUR POWERS, SUPPLEMENTARY TO THE ABOVE, SIGNED FEBRUARY 6, 1922.**

The United States of America, the British Empire, France and Japan have, through their respective Plenipotentiaries, agreed upon the following stipulations supplementary to the Quadruple Treaty signed at Washington on December 13, 1921:

The term "insular possessions and insular dominions" used in the aforesaid Treaty shall, in its application to Japan, include only Karafuto (or the Southern por-

tion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

The present agreement shall have the same force and effect as the said Treaty to which it is supplementary.

The provisions of Article IV of the aforesaid Treaty of December 13, 1921, relating to ratification shall be applicable to the present Agreement, which in French and

English shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other Contracting Powers.

In faith whereof the respective Plenipotentiaries have signed the present Agreement.

Done at the City of Washington, the sixth day of February, One Thousand Nine Hundred and Twenty-two.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE	[L. S.]
	OSCAR W UNDERWOOD	[L. S.]
[L. S.]	ELIHU ROOT	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	LEE OF FAREHAM.	
[L. S.]	A. C. GEDDES	
[L. S.]	R. L. BORDEN.	
[L. S.]	G. F. PEARCE	
[L. S.]	JOHN W SALMOND	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	V S SRINIVASA SASTRI	
	A SARRAUT	[L. S.]
	JUSSERAND	[L. S.]
	T. KATO	[L. S.]
	K. SHIDEHARA	[L. S.]
	M. HANIHARA	[L. S.]

**(6) A TREATY BETWEEN ALL NINE POWERS RELATING TO PRINCIPLES AND POLICIES TO BE FOLLOWED IN MATTERS CONCERNING CHINA.**

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal:

Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

Have resolved to conclude a treaty for that purpose and to that end have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Charles Evans Hughes,  
Henry Cabot Lodge,  
Oscar W. Underwood,  
Elihu Root.

citizens of the United States.

His Majesty the King of the Belgians:

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;



- The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;
- and  
for the Dominion of Canada:  
The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;
- for the Commonwealth of Australia:  
Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;
- for the Dominion of New Zealand:  
The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;
- for the Union of South Africa:  
The Right Honourable Arthur James Balfour, O. M., M. P.;
- for India:  
The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;
- The President of the Republic of China:  
Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington;  
Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London;  
Mr. Chung-Hui Wang, former Minister of Justice.
- The President of the French Republic:  
Mr. Albert Sarraut, Deputy, Minister of the Colonies;  
Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;
- His Majesty the King of Italy:  
The Honourable Carlo Schanzer, Senator of the Kingdom;  
The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;  
The Honourable Luigi Albertini, Senator of the Kingdom;
- His Majesty the Emperor of Japan:  
Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;  
Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;  
Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Joshii, a member of the Second Class of the Imperial Order of the Rising Sun;
- Her Majesty the Queen of The Netherlands:  
Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary;  
Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic:

Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. Ernesto Julio de Carvalho Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office.

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

#### ARTICLE I.

The Contracting Powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

#### ARTICLE II.

The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any Power or

Powers, which would infringe or impair the principles stated in Article I.

#### ARTICLE III.

With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers, other than China, agree that they will not seek, nor support their respective nationals in seeking.

(a) any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

(b) any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present Treaty or not.

## ARTICLE IV.

The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

## ARTICLE V.

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese Railways.

The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

## ARTICLE VI.

The Contracting Powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

## ARTICLE VII.

The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned.

## ARTICLE VIII.

Powers not signatory to the present Treaty, which have Governments recognized by the Signatory Powers and which have treaty relations with China, shall be invited to adhere to the present Treaty. To this end the Government of the United States will make the necessary communications to nonsignatory Powers and will inform the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

## ARTICLE IX.

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the

Government of the United States, named Plenipotentiaries have  
 and duly certified copies thereof signed the present Treaty.  
 shall be transmitted by that Done at the City of Washing-  
 Government to the other Con- ton the Sixth day of February  
 tracting Powers. One Thousand Nine Hundred  
 In faith whereof the above- and Twenty-Two.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE	[L. S.]
	OSCAR W UNDERWOOD	[L. S.]
	ELIHU ROOT	[L. S.]
	BARON DE CARTIER DE MARCHIENNE	[L. S.]
	ARTHUR JAMES BALFOUR	[L. S.]
	LEE OF FAREHAM.	[L. S.]
	A. C. GEDDES	[L. L.]
	R. L. BORDEN.	[L. S.]
	G. F. PEARCE	[L. S.]
	JOHN W SALMOND	[L. L.]
	ARTHUR JAMES BALFOUR	[L. S.]
	V S SRINIVASA SASTRI	[L. S.]
[L. S.]	SAO KE ALFRED SZE.	
[L. L.]	V. K. WELLINGTON KOO	
[L. S.]	CHUNG-HUI WANG	
[L. S.]	A SARRAUT	
[L. S.]	JUSSERAND	
[L. S.]	CARLO SCHANZER	
[L. S.]	V. ROLANDI RICCI	
[L. S.]	LUIGI ALBERTINI	
	T. KATO	[L. S.]
	K. SHIDEHARA	[L. S.]
	M. HANIHARA	[L. S.]
	BEELAERTS VAN BLOKLAND	[L. S.]
	W. DE BEAUFORT	[L. S.]
	ALTE	[L. S.]
	ERNESTO DE VASCONCELLOS	[L. S.]

**(7) A TREATY BETWEEN THE NINE POWERS RELATING TO  
CHINESE CUSTOMS TARIFF.**

The United States of America,  
 Belgium, the British Empire,  
 China,<sup>a</sup> France, Italy, Japan, The  
 Netherlands and Portugal:

With a view to increasing the  
 revenues of the Chinese Govern-  
 ment, have resolved to conclude a  
 Treaty relating to the revision of  
 the Chinese customs tariff and  
 cognate matters, and to that end  
 have appointed as their Plenipo-  
 tentiaries:

The President of the United  
 States of America:

Charles Evans Hughes,  
 Henry Cabot Lodge,  
 Oscar W. Underwood,  
 Elihu Root,

citizens of the United  
 States;

His Majesty the King of the  
 Belgians:

Baron de Cartier de Mar-  
 chienne, Commander of

the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O. M., M. P., Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America; and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G. C. M. G., K. C.;

for the Commonwealth of Australia:

Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:

The Honourable Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:

The Right Honourable Arthur James Balfour, O. M., M. P.;

for India:

The Right Honourable Valingman Sankararayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China:

Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London;

Mr. Chung-Hui Wang, former Minister of Justice;

The President of the French Republic:

Mr. Albert Sarraut, Deputy, Minister of the Colonies;

Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:

The Honourable Carlo Schanzer, Senator of the Kingdom;

The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom. His Ambassador Extraordinary and Plenipotentiary at Washington;

The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington,

Joshii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of The Netherlands:

Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary; Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic:

Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. Ernesto Julio de Carvalho e Vasconcellos, Captain of the Portuguese Navy, Technical Director of the Colonial Office;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

#### ARTICLE I.

The representatives of the Contracting Powers having adopted, on the fourth day of February, 1922, in the City of Washington, a Resolution, which is appended as an Annex to this Article, with respect to the revision of Chinese Customs duties, for the purpose of making such duties equivalent to an effective 5 per centum *ad valorem*, in accordance with existing treaties concluded by

China with other nations, the Contracting Powers hereby confirm the said Resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible but not earlier than two months after publication thereof.

#### ANNEX.

With a view to providing additional revenue to meet the needs of the Chinese Government, the Powers represented at this Conference, namely the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal agree:

That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent. effective, as provided for in the several commercial treaties to which China is a party.

A Revision Commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

This Commission shall be composed of representatives of the Powers above named and of representatives of any additional Powers having Governments at present recognized by the Powers represented at this Conference and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent. *ad valorem* and who desire to participate therein.

The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this Resolution by the Conference on the Limitation of Armament

and Pacific and Far Eastern Questions.

The revised tariff shall become effective as soon as possible but not earlier than two months after its publication by the Revision Commission.

The Government of the United States, as convener of the present Conference, is requested forthwith to communicate the terms of this Resolution to the Governments of Powers not represented at this Conference but who participated in the Revision of 1918, aforesaid.

#### ARTICLE II.

Immediate steps shall be taken, through a Special Conference, to prepare the way for the speedy abolition of likin and for the fulfillment of the other conditions laid down in Article VIII of the Treaty of September 5th, 1902, between Great Britain and China, in Articles IV and V of the Treaty of October 8th, 1903, between the United States and China, and in Article I of the Supplementary Treaty of October 8th, 1903, between Japan and China, with a view to levying the surtaxes provided for in those articles.

The Special Conference shall be composed of representatives of the Signatory Powers, and of such other Powers as may desire to participate and may adhere to the present Treaty, in accordance with the provisions of Article VIII, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present Treaty, on a day and at a place to be designated by the Chinese Government.

#### ARTICLE III.

The Special Conference provided for in Article II shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties mentioned in Article II; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

The surtax shall be at a uniform rate of 2½ per centum *ad valorem*, provided, that in case of certain articles of luxury which, in the opinion of the Special Conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased but may not exceed 5 per centum *ad valorem*.

#### ARTICLE IV.

Following the immediate revision of the customs schedule of duties on imports into China, mentioned in Article I, there shall be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to ensure that the customs duties shall correspond to the *ad valorem* rates fixed by the Special Conference provided for in Article II.

Following this further revision there shall be, for the same purpose, periodical revisions of the customs schedule of duties on imports into China every seven years, in lieu of the decennial revision authorized by existing treaties with China.

In order to prevent delay, any revision made in pursuance of this Article shall be effected in

accordance with rules to be prescribed by the Special Conference provided for in Article II.

#### ARTICLE V.

In all matters relating to customs duties there shall be effective equality of treatment and opportunity for all the Contracting Powers.

#### ARTICLE VI.

The principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized. The Special Conference provided for in Article II shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage.

In the meantime, any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present Treaty, shall be levied at a uniform rate *ad valorem* at all land and maritime frontiers of China.

#### ARTICLE VII.

The charge for transit passes shall be at the rate of 2½ per centum *ad valorem* until the arrangements provided for by Article II come into force.

#### ARTICLE VIII.

Powers not signatory to the present Treaty whose Governments are at present recognized by the Signatory Powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per centum *ad valorem*, shall be in-

vited to adhere to the present Treaty.

The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

#### ARTICLE IX.

The provisions of the present Treaty shall override all stipulations of treaties between China and the respective Contracting Powers which are inconsistent therewith, other than stipulations according most favored nation treatment.

#### ARTICLE X.

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the *procès-verbal* of the deposit of ratifications.

The present Treaty, of which the English and French texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the sixth day of February, One Thousand Nine Hundred and Twenty-two.



## RESOLUTIONS.

### NO. 1. RESOLUTION FOR A COMMISSION OF JURISTS TO CONSIDER AMENDMENT OF LAWS OF WAR.

The United States of America, the British Empire, France, Italy and Japan have agreed:—

I. That a Commission composed of not more than two members representing each of the above-mentioned Powers shall be constituted to consider the following questions:—

(a) Do existing rules of International Law adequately cover new methods of attack or defense resulting from the introduction or development, since the Hague Conference of 1907, of new agencies of warfare?

(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

II. That notices of appointment of the members of the Commission shall be transmitted to the Government

of the United States of America within three months after the adjournment of the present Conference, which after consultation with the Powers concerned will fix the day and place for the meeting of the Commission.

III. That the Commission shall be at liberty to request assistance and advice from experts in International Law and in land, naval and aerial warfare.

IV. That the Commission shall report its conclusions to each of the Powers represented in its membership.

Those Powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers.

Adopted by the Conference on the Limitation of Armament, at the Sixth Plenary Session, February 4th, 1922.

### NO. 2. RESOLUTION LIMITING JURISDICTION OF COMMISSION OF JURISTS PROVIDED IN RESOLUTION NO. 1.

Resolved, That it is not the intention of the Powers agreeing to the appointment of a Commission to consider and report upon the rules of International Law respecting new agencies of warfare that the Commission shall review or report upon the rules or declarations relating

to submarines or the use of noxious gases and chemicals already adopted by the Powers in this conference.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session, February 4th, 1922.

### NO. 3. RESOLUTION REGARDING A BOARD OF REFERENCE FOR FAR EASTERN QUESTION.

The representatives of the Powers assembled at the present Conference at Washington, to-wit;

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands and Portugal:

Desiring to provide a procedure for dealing with questions that may arise in connection with the execution of the provisions of Articles III and V of the Treaty to be signed at Washington on February 6th, 1922, with reference to their general policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

Resolve that there shall be established in China a Board of Reference to which any questions arising in connection with the execution of the aforesaid Articles may be referred for investigation and report.

The Special Conference provided for in Article II of the Treaty to be signed at Washington on February 6th, 1922, with reference to the Chinese Customs Tariff, shall formulate for the approval of the Powers concerned a detailed plan for the constitution of the Board.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session February 4th, 1922.

### NO. 4. RESOLUTION REGARDING EXTRATERRITORIALITY IN CHINA.

The representatives of the Powers hereinafter named, participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal, -

Having taken note of the fact that in the Treaty between Great Britain and China dated September 5, 1902, in the Treaty between the United States of America and China dated October 8, 1903, and in the Treaty between Japan and China dated October 8, 1903, these several Powers have agreed to give every assistance towards the attainment by the Chinese Government of its expressed desire to reform its judicial system and to bring it

into accord with that of Western nations, and have declared that they are also "prepared to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant" them in so doing;

Being sympathetically disposed towards furthering in this regard the aspiration to which the Chinese delegation gave expression on November 16, 1921, to the effect that "immediately, or as soon as circumstances will permit, existing limitations upon China's political, jurisdictional and administrative freedom of action are to be removed";

Considering that any determination in regard to such action as might be appropriate to this end must depend upon the ascer-

tainment and appreciation of complicated states of fact in regard to the laws and the judicial system and the methods of judicial administration of China, which this Conference is not in a position to determine;

Have resolved

That the Governments of the Powers above named shall establish a Commission (to which each of such Governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China, and into the laws and the judicial system and the methods of judicial administration of China, with a view to reporting to the Governments of the several Powers above named their findings of fact in regard to these matters, and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China, and to assist and further the efforts of the Chinese Government to effect such legislation and judicial reforms as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality;

That the Commission herein contemplated shall be constituted within three months after the adjournment of the Conference in accordance with detailed arrangements to be hereafter agreed upon by the Governments of the Powers above named, and shall be instructed to submit its report and recommendations within one year after the first meeting of the Commission;

That each of the Powers above named shall be deemed free to accept or to reject all or any portion of the recommendations of the Commission herein contemplated, but that in no case shall any of the said Powers make its accept-

ance of all or any portion of such recommendations either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

#### ADDITIONAL RESOLUTION.

That the non-signatory Powers, having by treaty extraterritorial rights in China, may accede to the resolution affecting extraterritoriality and the administration of justice in China by depositing within three months after the adjournment of the Conference a written notice of accession with the Government of the United States for communication by it to each of the signatory Powers.

#### ADDITIONAL RESOLUTION.

That China, having taken note of the resolutions affecting the establishment of a Commission to investigate and report upon extraterritoriality and the administration of justice in China, expresses its satisfaction with the sympathetic disposition of the Powers hereinbefore named in regard to the aspiration of the Chinese Government to secure the abolition of extraterritoriality in China, and declares its intention to appoint a representative who shall have the right to sit as a member of the said Commission, it being understood that China shall be deemed free to accept or to reject any or all of the recommendations of the Commission. Furthermore, China is prepared to cooperate in the work of this Commission and to afford to it every possible facility for the successful accomplishment of its tasks.

Adopted by the Conference on the Limitation of Armament at the Fourth Plenary Session, December 10, 1921.

## NO. 5. RESOLUTION REGARDING FOREIGN POSTAL AGENCIES IN CHINA.

A. Recognizing the justice of the desire expressed by the Chinese Government to secure the abolition of foreign postal agencies in China, save or except in leased territories or as otherwise specifically provided by treaty, it is resolved:

- (1) The four Powers having such postal agencies agree to their abandonment subject to the following conditions:
  - (a) That an efficient Chinese postal service is maintained;
  - (b) That an assurance is given by the Chinese Government that they contemplate no change in the present postal administration so far as the status of the foreign Co-Director General is concerned.
- (2) To enable China and the Powers concerned to make

the necessary dispositions, this arrangement shall come into force and effect not later than January 1, 1923.

B. Pending the complete withdrawal of foreign postal agencies, the four Powers concerned severally undertake to afford full facilities to the Chinese customs authorities to examine in those agencies all postal matter (excepting ordinary letters, whether registered or not, which upon external examination appear plainly to contain only written matter) passing through them, with a view to ascertaining whether they contain articles which are dutiable or contraband or which otherwise contravene the customs regulations or laws of China.

Adopted by the Conference of the Limitation of Armament at the Fifth Plenary Session February 1st, 1922.

## NO. 6. RESOLUTION REGARDING ARMED FORCES IN CHINA.

Whereas

The Powers have from time to time stationed armed forces, including police and railway guards, in China to protect the lives and property of foreigners lawfully in China;

And whereas

It appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

And whereas

The Powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement, whenever China shall assure the protection of the lives and property of foreigners in China;

And whereas

China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China;

Now

To the end that there may be clear understanding of the conditions upon which in each case the practical execution of those intentions must depend;

It is resolved:

That the Diplomatic Representatives in Peking of the Powers now in Conference at Washington, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, The Netherlands and Portugal, will be instructed by their respective Governments, whenever

**STATEMENT REGARDING CHINESE  
RAILWAYS MADE ON JANUARY  
19, 1922, BY THE CHINESE DELE-  
GATION.**

The Chinese Delegation notes with sympathetic appreciation the expression of the hope of the Powers that the existing and future railways of China may be unified under the control and operation of the Chinese Government with such foreign financial and technical assistance as may be needed. It is our intention as speedily as possible to bring about this result. It is our purpose to develop existing

and future railways in accordance with a general programme that will meet the economic, industrial and commercial requirements of China. It will be our policy to obtain such foreign financial and technical assistance as may be needed from the Powers in accordance with the principles of the Open Door or equal opportunity; and the friendly support of these Powers will be asked for the effort of the Chinese Government to bring all the railways of China, now existing or to be built, under its effective and unified control and operation.

**NO. 9. RESOLUTION REGARDING THE REDUCTION OF CHINESE  
MILITARY FORCES.**

Whereas the Powers attending this Conference have been deeply impressed with the severe drain on the public revenue of China through the maintenance in various parts of the country, of military forces, excessive in number and controlled by the military chiefs of the provinces without coordination,

And whereas the continued maintenance of these forces appears to be mainly responsible for China's present unsettled political conditions,

And whereas it is felt that large and prompt reductions of these forces will not only advance the cause of China's political unity and economic development but will hasten her financial rehabilitation;

Therefore, without any intention to interfere in the internal problems of China, but animated

by the sincere desire to see China develop and maintain for herself an effective and stable government alike in her own interest and in the general interest of trade;

And being inspired by the spirit of this Conference whose aim is to reduce, through the limitation of armament, the enormous disbursements which manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity;

It is resolved: That this Conference express to China the earnest hope that immediate and effective steps may be taken by the Chinese Government to reduce the aforesaid military forces and expenditures.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1st, 1922.

nications upon fair and full compensation to the owners for the value of the installation, as soon as the Chinese Ministry of Communications is prepared to operate the same effectively for the general public benefit;

4. If any questions shall arise as to the radio stations in leased territories, in the South Manchurian Railway Zone or in the French Concession at Shanghai, they shall be regarded as matters for discussion between the Chinese Government and the Governments concerned.

5. The owners or managers of all radio stations maintained in the territory of China by foreign powers or citizens or subjects thereof shall confer with the Chinese Ministry of Communications for the purpose of seeking a common arrangement to avoid interference in the use of wave lengths by wireless stations in China, subject to such general arrangements as may be made by an international conference convened for the revision of the rules established by the International Radio Telegraph Convention signed at London, July 5, 1912.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1st, 1922.

#### **NO. 8. RESOLUTION REGARDING UNIFICATION OF RAILWAYS IN CHINA AND ACCOMPANYING DECLARATION BY CHINA.**

The Powers represented in this Conference record their hope that to the utmost degree consistent with legitimate existing rights, the future development of railways in China shall be so conducted as to enable the Chinese Government to effect the unification of railways into a railway

#### **DECLARATION CONCERNING THE RESOLUTION ON RADIO STATIONS IN CHINA OF DECEMBER 7, 1921.**

The Powers other than China declare that nothing in paragraphs 3 or 4 of the Resolutions of 7th December, 1921, is to be deemed to be an expression of opinion by the Conference as to whether the stations referred to therein are or are not authorized by China.

They further give notice that the result of any discussion arising under paragraph 4 must, if it is not to be subject to objection by them, conform with the principles of the Open Door or equality of opportunity approved by the Conference.

#### **CHINESE DECLARATION CONCERNING RESOLUTION OF DECEMBER 7TH REGARDING RADIO STATIONS IN CHINA.**

The Chinese Delegation takes this occasion formally to declare that the Chinese Government does not recognize or concede the right of any foreign Power or of the nationals thereof to install or operate, without its express consent, radio stations in legation grounds, settlements, concessions, leased territories, railway areas or other similar areas.

system under Chinese control, with such foreign financial and technical assistance as may prove necessary in the interests of that system.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session February 1st, 1922.

**STATEMENT REGARDING CHINESE  
RAILWAYS MADE ON JANUARY  
19, 1922, BY THE CHINESE DELE-  
GATION.**

The Chinese Delegation notes with sympathetic appreciation the expression of the hope of the Powers that the existing and future railways of China may be unified under the control and operation of the Chinese Government with such foreign financial and technical assistance as may be needed. It is our intention as speedily as possible to bring about this result. It is our purpose to develop existing

and future railways in accordance with a general programme that will meet the economic, industrial and commercial requirements of China. It will be our policy to obtain such foreign financial and technical assistance as may be needed from the Powers in accordance with the principles of the Open Door or equal opportunity; and the friendly support of these Powers will be asked for the effort of the Chinese Government to bring all the railways of China, now existing or to be built, under its effective and unified control and operation.

**NO. 9. RESOLUTION REGARDING THE REDUCTION OF CHINESE  
MILITARY FORCES.**

Whereas the Powers attending this Conference have been deeply impressed with the severe drain on the public revenue of China through the maintenance in various parts of the country, of military forces, excessive in number and controlled by the military chiefs of the provinces without coordination,

And whereas the continued maintenance of these forces appears to be mainly responsible for China's present unsettled political conditions,

And whereas it is felt that large and prompt reductions of these forces will not only advance the cause of China's political unity and economic development but will hasten her financial rehabilitation;

Therefore, without any intention to interfere in the internal problems of China, but animated

by the sincere desire to see China develop and maintain for herself an effective and stable government alike in her own interest and in the general interest of trade;

And being inspired by the spirit of this Conference whose aim is to reduce, through the limitation of armament, the enormous disbursements which manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity;

It is resolved: That this Conference express to China the earnest hope that immediate and effective steps may be taken by the Chinese Government to reduce the aforesaid military forces and expenditures.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session, February 1st, 1922.

# **NO. 10. RESOLUTION REGARDING EXISTING COMMITMENTS OF CHINA OR WITH RESPECT TO CHINA.**

The Powers represented in this Conference, considering it desirable that there should hereafter be full publicity with respect to all matters affecting the political and other international obligations of China and of the several Powers in relation to China, are agreed as follows:

I. The several Powers other than China will at their earliest convenience file with the Secretariat General of the Conference for transmission to the participating Powers, a list of all treaties, conventions, exchange of notes, or other international agreements which they may have with China, or with any other Power or Powers in relation to China, which they deem to be still in force and upon which they may desire to rely. In each case, citations will be given to any official or other publication in which an authoritative text of the documents may be found. In any case in which the document may not have been published, a copy of the text (in its original language or languages) will be filed with the Secretariat General of the Conference.

Every Treaty or other international agreement of the character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days of its conclusion to the Powers who are signatories of or adherents to this agreement.

II. The several Powers other than China will file with the Secretariat General of the Conference at their earliest convenience for transmission to the participating Powers a list, as nearly complete

as may be possible, of all those contracts between their nationals, of the one part, and the Chinese Government or any of its administrative subdivisions or local authorities, of the other part, which involve any concession, franchise, option or preference with respect to railway construction, mining, forestry, navigation, river conservancy, harbor works, reclamation, electrical communications, or other public works or public services, or for the sale of arms or ammunition, or which involve a lien upon any of the public revenues or properties of the Chinese Government or of any of its administrative subdivisions. There shall be, in the case of each document so listed, either a citation to a published text, or a copy of the text itself.

Every contract of the public character described which may be concluded hereafter shall be notified by the Governments concerned within sixty (60) days after the receipt of information of its conclusion to the Powers who are signatories of or adherents to this agreement.

III. The Chinese Government agrees to notify in the conditions laid down in this agreement every treaty agreement or contract of the character indicated herein which has been or may hereafter be concluded by that Government or by any local authority in China with any foreign Power or the nationals of any foreign Power whether party to this agreement or not, so far as the information is in its possession.

IV. The Governments of Powers having treaty relations



with China, which are not represented at the present Conference, shall be invited to adhere to this agreement.

The United States Government, as convener of the Conference, undertakes to communicate this agreement to the Govern-

ments of the said Powers, with a view to obtaining their adherence thereto as soon as possible.

Adopted by the Conference on the Limitation of Armament at the Fifth Plenary Session February 1st, 1922.

**NO. 11. RESOLUTION REGARDING THE CHINESE EASTERN RAILWAY, APPROVED BY ALL THE POWERS INCLUDING CHINA.**

Resolved, That the preservation of the Chinese Eastern Railway for those in interest requires that better protection be given to the railway and the persons engaged in its operation and use, a more careful selection of personnel to secure efficiency of service, and a more economical

use of funds to prevent waste of the property.

That the subject should immediately be dealt with through the proper Diplomatic channels.

Adopted by the Conference on the Limitation of Armament at the Sixth Plenary Session February 4th, 1922.

**NO. 12. RESOLUTION REGARDING THE CHINESE EASTERN RAILWAY, APPROVED BY ALL THE POWERS OTHER THAN CHINA.**

The Powers other than China in agreeing to the resolution regarding the Chinese Eastern Railway, reserve the right to insist hereafter upon the responsibility of China for performance or non-performance of the obligations towards the foreign stockholders, bondholders and creditors of the Chinese Eastern Railway Company which

the Powers deem to result from the contracts under which the railroad was built and the action of China thereunder and the obligations which they deem to be in the nature of a trust resulting from the exercise of power by the Chinese Government over the possession and administration of the railroad.







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